

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, September 13th,
1989, commencing at 9:00 a.m.


VOLUME 135

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

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MS. C. BLASTORAH)	RESOURCES
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MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
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MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
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MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
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814	Copy of excerpts from Red Lake Crown Management Unit Timber Management Plan, (Refrence No. 3A) Panel 15 witness statement.	22874
815	Pamphlet entitled: Timber Management Planning, Getting Involved Can Make a Difference, (Reference No. 4) Panel 15 witness statement.	22874
816	Hard copy of overhead entitled: Introduction to Timber Management Planning.	22876
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818	Red Lake Crown Management Unit, Timber Management Plan.	22896
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819	Letter dated February 2, 1989 from Kathleen Murphy to the list attached re: revisions to EA Document.	22925
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1 ---Upon commencing at 9:15 a.m.

2 THE CHAIRMAN: Good morning. Be seated
3 please. I apologize for the delay.

4 MS. BLASTORAH: Mr. Chairman, just one
5 housekeeping matter before we begin.

6 Mr. Hanna had asked for a copy of the
7 Fish Management Planning Manual and we undertook to
8 provide that to him. I realize he's not here today,
9 but I would like to just put on the record that the
10 manual is available in the EA reading room.

11 It's a large document and apparently it
12 has been -- it was provided with an answer to an
13 interrogatory in Panel 1, so it has been there since
14 Panel 1, presumably.

15 THE CHAIRMAN: Thank you.

16 MS. BLASTORAH: But it is there at
17 present in any event.

18 BRUCE ADAMSON,
19 SERGE TENAGLIA,
20 NEVILLE WARD,
GORDON PYZER,
DAVID M. HOGG, Resumed

21 RE-DIRECT EXAMINATION BY MS. BLASTORAH:

22 Q. Mr. Adamson, my first question this
23 morning is for you. During his cross-examination, Mr.
24 Tuer asked you a series of questions with regard to
25 signage of bridges, he then referred you to Exhibit 686

1 which is the Final Report, Crown Land Bridge
2 Management.

3 MR. ADAMSON: A. Yes.

4 Q. And asked you a further series of
5 questions in relation to signage and standardized
6 specification. Do you recall that exchange?

7 A. Yes.

8 Q. In particular he asked you the
9 following questions and you gave the following answers
10 in relation to Exhibit 686.

11 "Q. All right. And there are some
12 recommendations in this document
13 including recommendations respecting
14 signage; are there not?

15 A. Yes.

16 Q. And they are just that up to this
17 point; are they not, recommendations?

18 A. They're guidelines, yes.

19 Q. They don't impose any obligation on
20 anybody at the present time?

21 A. That's right, yes."

22 Do you recall that exchange?

23 A. Yes.

24 Q. Has this document, Exhibit 686, been
25 distributed to appropriate field staff within the

1 Ministry?

2 A. Yes, it has.

3 Q. And has it been distributed to anyone
4 else?

5 A. It has been distributed to the forest
6 industry associations in Toronto and also within the
7 two regions I work in, we distributed a copy to each
8 forest industry company.

9 Q. Do you have a copy of that document
10 with you this morning?

11 A. Yes.

12 Q. Would you please turn to the first
13 page of that document which is a letter from George
14 Tuff, Deputy Minister of Natural Resources, dated April
15 14th, 1989; is that correct?

16 A. Yes.

17 Q. Would you please read out the third
18 paragraph of that letter?

19 A. "My staff have been instructed to
20 implement the recommendations and
21 policy statement contained in the report
22 effective April 1st, 1989. I encourage
23 you to familiarize yourself with its
24 contents as this is now the manner in
25 which bridges on Crown land will be

1 constructed, maintained and managed."

2 Q. Thank you. Mr. Pyzer, Mr. Edwards
3 asked you a series of questions in relation to the
4 nature of the tourism industry in your district as
5 compared to that in other parts of the province.

6 As part of that exchange he referred to
7 your evidence-in-chief to the effect that some tourist
8 outfitters like road access and some do not. Do you
9 recall that?

10 MR. PYZER: A. Yes, I do.

11 Q. You were then asked the following
12 question and you gave the following answer:

13 "Q. Right. So even the -- some of the
14 road accessible lodges are dependent in
15 part on the availability of the fly-in
16 experience?

17 A. Correct."

18 Do you recall that?

19 A. Yes, I do.

20 Q. When you said 'some', can we infer
21 from that that some operators were not dependent on the
22 availability of the fly-in experience?

23 A. Oh, absolutely.

24 Q. Thank you. Again for you Mr. Pyzer.
25 You were asked some other questions by Mr. Edwards

1 again with regard to NOTOA acting as the voice of the
2 tourism industry. Do you recall that?

3 A. Yes, I do.

4 Q. You indicated that some tourist
5 operators, whether or not they are members of NOTOA or
6 any other provincial organization, do not agree with
7 NOTOA's opposition to the extension of road access.

8 My question for you is: Are the concerns
9 of those other tourist operators; that is, the ones who
10 don't agree with NOTOA's position on that, taken into
11 account in a timber management planning process?

12 A. Yes, they are, presuming that of
13 course they become involved in the process.

14 Q. Thank you. Mr. Tenaglia, Mr. Edwards
15 questioned you with regard to the participation of the
16 Ministry of Tourism and Recreation representatives in a
17 timber management planning process.

18 In particular, he asked you whether MTR
19 representatives - and he referred to Mr. Payne's
20 involvement in the Magpie Timber Management Plan as an
21 example - whether those MTR representatives have the
22 time to attend all timber management planning meetings.

23 You responded that it was your experience
24 that they did not, but that certainly in the case of
25 Mr. Payne he was kept advised through minutes of those

1 planning meetings.

2 The Chairman then asked you some
3 questions and you confirmed that, in all cases, MTR
4 representatives are notified of planning team meetings
5 and had the opportunity to attend. Do you recall that?

6 MR. TENAGLIA: A. Yes, I do.

7 Q. My question is: Are tourism issues
8 identified and addressed during timber management
9 planning even if a representative of the Ministry of
10 Tourism and Recreation does not attend planning team
11 meetings?

12 A. Yes, they certainly are.

13 Q. How are those issues identified?

14 A. Certainly through the expertise
15 from -- through the expertise in the district and their
16 familiarity with the problems and through the public
17 notices and request for public input during the
18 planning process.

19 Q. Thank you. Can the Ministry of
20 Tourism and Recreation have any input even if the
21 representative does not attend the meetings of the
22 planning team?

23 A. Certainly, because they're advised of
24 the different -- at the different public input stages
25 and we do -- and we expect, or certainly look for any

1 input that they provide in terms of identifying
2 particular areas of concern.

3 Q. Thank you.

4 THE CHAIRMAN: Mr. Tenaglia, would
5 minutes of these planning meetings be distributed to
6 all of the agencies (a) who attended; and, (b) who were
7 invited but did not attend?

8 MR. TENAGLIA: The minutes are generally
9 distributed to the members of the planning team or any
10 advisors on the planning team and they certainly are --
11 they certainly do form part of the supplementary
12 documentation in the timber management plan, so they
13 are available for anybody to review.

14 THE CHAIRMAN: But I guess the point of
15 the question is: If somebody from Tourism and Rec was
16 invited to a meeting, didn't show up at the meeting,
17 certain tourism issues were dealt with, would they then
18 have a way of knowing what the result of the meeting
19 that they didn't attend was and, therefore, if they
20 didn't agree with the results make some input at that
21 time?

22 MR. TENAGLIA: I would think if they were
23 invited they would certainly be advised of the outcome
24 of that meeting through a copy of the minutes.

25 THE CHAIRMAN: Okay.

1 MS.BLASTORAH: Q. And was that in fact
2 the case with Mr. Payne?

3 MS. TENAGLIA: A. Yes.

4 Q. Thank you. Again, Mr. Tenaglia, for
5 you. In response to questions from Mr. Edwards you
6 stated that excerpts from the Nipigon District Land Use
7 Guidelines were included in your written evidence to
8 indicate how land use guidelines can impact on timber
9 management in particular areas, and to identify that in
10 certain areas of the province timber management may not
11 be the primary land use identified.

12 Do you recall that?

13 A. Yes.

14 Q. You were then asked whether the
15 situation in Nipigon where commercial tourism was
16 identified as the primary land use for the Caribou Lake
17 area was unique in the province and you responded in
18 part as follows:

19 "A. Well, it certainly was -- I can't
20 speak for the entire province, it
21 certainly was unique in Nipigon District.
22 Most of the other places were primarily
23 integrated operations where timber
24 management may have the primary use or
25 an IRM aspect."

1 My question is: When you said that 'most
2 other places in Nipigon District were primarily
3 integrated operations where timber management may have
4 an IRM aspect', did you intend to imply by that that
5 the philosophy of integrated resource management does
6 not apply to the Caribou Lake area?

7 A. No, I didn't.

8 Q. Thank you. Can I take it from that
9 then that IRM -- or that philosophy would apply to all
10 such designated tourism zones under the District Land
11 Use Guidelines?

12 A. Yes.

13 Q. Thank you. Again for you, Mr.
14 Tenaglia. At page 21710 of the transcript you were
15 asked the following question and gave the following
16 answer:

17 "Q. Sir, one of the problems that occurs
18 when roads are signed or gated is there
19 is a potential user conflict; correct?

20 A. Yes."

21 My question is: Where access roads are
22 constructed and no use restrictions such as signing and
23 gating are imposed, might that also potentially result
24 in user conflicts?

25 A. Yes.

1 Q. Could you give me an example of that?

2 A. A decision may very well be that
3 there would be no signs erected on any particular road
4 for one reason or another. That just means that a
5 particular stakeholder may not have his concern
6 protected and, in that case, there would be -- it would
7 be a particular conflict.

8 Q. Thank you. Mr. Ward, you were asked
9 some questions by Mr. Edwards concerning methods to
10 minimize the potential impact of road access on
11 tourism, and specifically he suggested to you that
12 keeping the road further away from the lake will
13 minimize that potential impact or the potential access
14 to the lake. Do you recall that?

15 MR. WARD: A. I do.

16 Q. At page 21721 of the transcript he
17 asked you whether that is a management tool which can
18 assist in certain circumstances, to which you
19 responded, in part:

20 "A. I think there is -- it is a
21 management tool and I think in places
22 like in the Lac Seul Timber Management
23 Plan we have no roads I think within 600
24 metres of the lake, or if there is a
25 tertiary road within it, it goes through

1 a trap, a natural trap like a wetland or
2 something across a creek where you can
3 remove a culvert. So there isn't any
4 permanent road in place once the timber
5 harvesting and renewal operations are
6 over."

7 When you referred to natural traps in
8 your response, would that be similar to the access
9 traps Ms. Seaborn referred to in her cross-examination?

10 A. Yes.

11 Q. Mr. Greenwood gave some examples in
12 Panel 10 about an area near Oba Lake where it was
13 determined that access to areas closer to the lake
14 would be strictly winter roads which would pass through
15 a lowland black spruce bog and a swamp which would not
16 be passable in summer. Would that be an example of
17 what you have described as a natural trap?

18 A. Yes, it would be.

19 Q. Thank you. Mr. Tenaglia, back to
20 you. I'd just like to clarify your response to some
21 questions put to you by Ms. Swenarchuk in relation to
22 the location of tertiary roads.

23 She asked you the following questions and
24 you gave the following answers at page 21849 of the
25 transcript:

1 "Q. I understand from the evidence and
2 from the interrogatories, and I think
3 from the written statement, that the
4 Ministry keeps no statistics on tertiary
5 roads and presumably doesn't even know
6 where all the tertiary roads are; is that
7 not correct, Mr. Tenaglia?

8 A. We don't keep in terms of a record
9 of the amount of roads, that's correct,
10 we don't know where they are.

11 Q. All right.

12 A. Or the distance. They're not
13 routinely mapped on cut-over maps."

14 My first question for you is: What are
15 cut-over maps?

16 MR. TENAGLIA: A. They're depletion maps
17 where the company or the Ministry records the area that
18 is harvested.

19 Q. And how are those prepared?

20 A. Usually with the taking of
21 supplementary aerial photography and the information is
22 transposed from the aerial photography on to 1:15,840
23 forest resource inventory maps.

24 Q. And would tertiary roads usually show
25 up on that kind of supplementary aerial photography?

1 A. Yes, they do all the time.

2 Q. So, in that sense, would the Ministry
3 know where the tertiary roads are located?

4 A. Yes.

5 Q. Thank you. Again for you, Mr.
6 Tenaglia. Ms. Swenarchuk and the Chairman asked some
7 questions at page 21854 to -856 of the transcript with
8 regard to the authority of the Ministry of Natural
9 Resources to force a company to make good on some
10 environmental impacts which had occurred which are
11 deemed unacceptable.

12 You indicated that there are now
13 provisions in the amended Public Lands Act to order a
14 company to clean up a site or to have the Ministry
15 clean the site up and get reimbursement from the
16 company. Do you recall that?

17 A. Yes.

18 Q. For the convenience of the Board,
19 could you refer them to the relevant sections of the
20 Public Lands Act, if you have it there -- I beg your
21 pardon, I believe you said the amended Public Lands
22 Act. If you don't have -- do you have a copy of it
23 there?

24 MS. BLASTORAH: Mr. Chairman, if I might,
25 perhaps just to save time.

1 Q. Mr. Tenaglia, would you look at
2 Section 2 of the amendment which is now Section 3(a) of
3 the amended Act.

4 MR. TENAGLIA: A. Yes.

5 Q. Would you read that out, please?

6 A. "An officer who finds..."

7 Q. Yes, that one.

8 A. "An officer who finds a building
9 or structure being erected or an
10 improvement being made without the
11 authority or a permit may order that the
12 work on the building, structure or
13 improvement cease until a permit is
14 obtained and any person continuing the
15 work or causing the work to be continued
16 in contravention of the order is guilty
17 of an offence and on conviction is, in
18 addition to any fine that may be imposed
19 under (3), liable to a fine of not less
20 than \$200 for each day the work is
21 continued in contravention of the order."

22 Q. Would you also look at subsection
23 3(b)?

24 A. Yes.

25 Q. Would that be another provision that

1 would cover what you were referring to?

2 A. Yes, it would. Also Section 13(a) --
3 I'm sorry, 13(5):

4 "An officer who finds that there is a
5 contravention of a subsection may order
6 that, the activity continuing, the
7 contravention cease."

8 And, as well, 13(7):

9 "On conviction of a person of an offence
10 under this section the court, in
11 addition to the imposition of a fine, may
12 order that the person to cease all
13 logging, mineral exploration or mining or
14 industrial operations carried out
15 dismantle and remove any building,
16 structures or improvement constructed or
17 placed and rehabilitate, in accordance
18 with the plan approved by the Minister,
19 any public lands cleared."

20 Q. Thank you. Mr. Adamson, back to you.

21 MR. ADAMSON: A. Yes.

22 Q. Ms. Swenarchuk referred you to page
23 138 of the statement of evidence and asked you several
24 questions about road specifications. Do you recall
25 that?

1 A. Yes.

2 Q. You agreed that where roads are built
3 in-house generally there aren't detailed specifications
4 provided to the people building those roads, that
5 they're trained, they're experienced road builders and
6 they have the knowledge needed to build the road, but
7 they aren't expected to build to specifications like
8 the Ontario Provincial Standard Specifications. Do you
9 recall saying that?

10 A. Yes.

11 Q. You were then asked at page 21887 of
12 the transcript:

13 "Q. So they have the specifications in
14 their head; is that the idea?

15 A. In their head and in manuals and
16 guidance as provided."

17 My question for you is: To what kinds of
18 manuals and guidance were you referring in that
19 comment?

20 A. I was referring to the guidelines
21 here which set the environmental standards to which the
22 road has to be built.

23 There are also geometric standards the
24 road would have to be built to, and there may be -- for
25 example, Canadian Pacific Forest Products I know have

1 manuals on road building that they distribute to their
2 staff. Other companies may have similar documents. We
3 have documents within MNR as well.

4 Q. Thank you. Mr. Hogg, Ms. Swenarchuk
5 asked you a series of questions in relation to
6 statements contained in an article prepared by Dr. Reid
7 F. Noss, and the Chairman indicated that you would be
8 provided with an opportunity to amend your answers in
9 relation to that line of questioning after you had an
10 opportunity to review the Noss article, which you
11 didn't have before you.

12 Have you had an opportunity to review
13 that document?

14 MR. HOGG: A. Yes, I have.

15 Q. Do you wish to comment on it in
16 relation to your earlier evidence?

17 A. Inasmuch as I recall the response to
18 Ms. Swenarchuk, I think I would stand by the comments I
19 made to her at that time.

20 Q. Thank you. Staying with you, Mr.
21 Hogg. Ms. Swenarchuk put two articles to you which are
22 Exhibits 783 and 784, the Thiel article and the Jensen
23 article.

24 A. Yes.

25 Q. My question for you is: Is there any

1 distinction between the types of roads which were the
2 subject of those studies and forest access roads?

3 A. I took the Thiel article to be
4 referring to forest access roads to a large degree,
5 particularly the primary and secondary roads. I say
6 that in connection with having read this article and
7 some others on the topic.

8 Q. And when you say primary and
9 secondary roads, what kind of geometric standard would
10 you be thinking of?

11 A. I'm thinking in terms of the grade
12 permanence of the road; those roads that are in
13 existence for 5 to 15 years and perhaps more.

14 Q. Thank you. Mr. Tenaglia, back to you
15 again. Ms. Kleer asked you whether the Ministry is
16 present during the construction of tertiary roads to
17 monitor compliance with the Environmental Guidelines
18 for Access Roads and Water Crossings.

19 You indicated that the Ministry is
20 present during monitoring and construction but would
21 not be on any given road all the time. You indicated
22 that you did not think that was necessary. Why?

23 MR. TENAGLIA: A. Certainly in areas of
24 normal operations it would not be necessary. In areas
25 of -- in particular, areas of concern, the Ministry may

1 be there, it may be a requirement for the Ministry to
2 be there during the construction of a tertiary road if
3 the area is sensitive enough and if the condition of
4 the -- that's laid out in the timber management plan
5 may very well dictate that Ministry staff be available
6 during the construction of that tertiary road.

7 Q. Thank you. One further question on
8 that. In your opinion, would it be reasonable to
9 expect the Ministry to have staff on site during all
10 road construction all the time?

11 A. No, it isn't.

12 Q. Thank you. Again for you, Mr.
13 Tenaglia. During cross-examination you indicated to
14 Ms. Kleer that the Ministry consults with the Ministry
15 of Citizenship and Culture as part of normal routine
16 with respect to timber management planning and requests
17 input from that organization. Do you recall that?

18 A. Yes.

19 Q. Are you aware of any provision in the
20 Ministry's draft terms and conditions which addresses
21 this?

22 A. Yes.

23 Q. Could you refer the Board to that,
24 please?

25 A. It's on page 4:

1 "Public notice requirements for each
2 notification shall include direct written
3 notice to..."

4 And it identifies a number of different
5 agencies that require direct written notice:

6 "3(a) local and regional offices of
7 relevant government, ministries and
8 agencies (e.g., Ministry of Tourism
9 and Recreation...)"

10 I believe this is probably a typo,
11 it says Ministry of Culture and Communications, I think
12 that should probably read Ministry of Citizenship and
13 Culture.

14 Q. Thank you.

15 MS. BLASTORAH: I obviously can't speak
16 to that directly, whether the name has been changed,
17 Mr. Chairman, but I'm assuming the same as Mr. Tenaglia
18 that it was simply a typographical error.

19 Q. Thank you. Mr. Ward, back to you.
20 Mr. Hanna asked you to agree that it would be difficult
21 to predict the amount of erosion resulting from
22 tertiary roads because their locations are not known
23 until the annual work schedule stage. Do you recall
24 that?

25 MR. WARD: A. I do.

1 Q. If the Environmental Guidelines for
2 Access Roads and Water Crossings are implemented as
3 intended by the Ministry, will this in any -- will this
4 address the concern that Mr. Hanna expressed about
5 that?

6 A. Yes, because the Environmental
7 Guidelines for Access Roads and Water Crossings apply
8 to tertiary roads as well.

9 Q. And would you be satisfied that that
10 would address his concern?

11 A. That's right, in terms of the
12 direction in there and the mandatory standards we don't
13 want any erosion or sedimentation from water crossings.

14 Q. Thank you. One further question for
15 you, Mr. Ward. Mr. Hanna asked you -- or questioned
16 you with regard to your article in Lake Line, which is
17 now Exhibit 808.

18 A. Yes.

19 Q. This article was written prior to the
20 implementation of the current Fish Habitat Guidelines
21 and the fisheries policy on minimum information
22 requirements; is that correct?

23 A. That's correct.

24 Q. And obviously it was written prior to
25 the new Environmental Guidelines for Access Roads and

1 Water Crossings?

2 A. It was.

3 Q. If that policy and those two
4 guidelines that I've just referred to are implemented
5 as intended by the Ministry of Natural Resources, do
6 you believe that it would be necessary to restrict
7 timber harvest to a maximum of one-third of the
8 watershed as indicated in that article?

9 A. I don't know whether it would be
10 necessary to do that, and I'm not too sure -- there is
11 only a few watersheds that I have known what percentage
12 has been cut and the most has been about 25 per cent,
13 so it wouldn't be reaching the one-third.

14 And I know the literature has been a bit
15 conflicting or confusing on -- regarding the impacts of
16 how much of a watershed is clearcut and what the
17 effects are on water yields. So that is one of the
18 reasons we haven't really addressed them in the
19 fisheries guidelines.

20 But I think in terms of the amount of
21 reserves required to protect water quality and
22 regarding, you know, tributary streams and streams you
23 can see on 1:50,000 topographical maps, I think there
24 will be a fair bit of timber left in a watershed, so
25 you probably won't see more than one-third being cut at

1 one time.

2 The other concern I had with it as well
3 is, you know, how long does it take for trees, you
4 know, like five years, ten years to change the water
5 yield impacts.

6 They are growing -- all the young trees
7 are growing quickly, they may be taking a certain
8 amount of water up as well. So that's one of the
9 problems with trying to come up with a figure of no
10 more than one-third of a watershed being cut; how long
11 do you leave it like that under control.

12 So that's why we haven't really addressed
13 them -- that sort of concern in any of our guidelines.

14 Q. Thank you, Mr. Ward. Again for
15 you -- oh, I beg your pardon, one more question for
16 you.

17 Yesterday you agreed with Mr. Hanna that
18 the fisheries policy on minimum information
19 requirements, which is Exhibit 304, does not directly
20 apply to the Environmental Guidelines for Access Roads
21 and Water Crossings.

22 Would information collected under that
23 policy with regard to fisheries and water quality
24 nevertheless be useful in relation to the construction
25 of water crossings under the environmental guidelines?

1 A. Well, as I pointed out to Mr. Hanna
2 there is some of that minimum information that we use
3 for -- for using the Fish Habitat Guidelines would be
4 useful for the road guidelines, and I mentioned the
5 fact about what fish species are present and knowing
6 whether you have got migratory species in downstream
7 lakes and so on.

8 But I should mention that our water
9 crossings are also subject to the multi-purpose work
10 permit and there is, under the Lakes and Rivers
11 Improvement Act - which is part of a schedule of the
12 multi-purpose work permit addresses that Act - there is
13 certain amounts of information required from road
14 builders and people that are going to cross water that
15 would be collected prior to issuing the multi-purpose
16 work permit.

17 So we do have another document that would
18 provide information on those water crossings, things
19 like how wide the crossing is going to be, how deep the
20 water is. There is even information for soil types and
21 that type of thing, but Mr. Adamson can talk more about
22 those details.

23 Q. Thank you. Mr. Adamson, my last
24 question is for you. Mr. Hogg was questioned about the
25 impacts of access road construction on rare plants and

1 he indicated that this concern would be addressed
2 through the area of concern process and the ANSI
3 program. He also indicated that these types of plants,
4 the rare plants to which he was referring, are often
5 found in wetlands. Do you recall that?

6 MR. ADAMSON: A. Yes.

7 Q. Is that type of area, wetlands,
8 preferred road construction terrain?

9 A. No, wetlands are not a preferred
10 location for a road.

11 Q. Thank you.

12 MS. BLASTORAH: Those are my questions,
13 Mr. Chairman.

14 THE CHAIRMAN: Thank you, Ms. Blastorah.
15 That was certainly speedy.

16 MS. BLASTORAH: Well, I must thank the
17 Board for the time last night, it was of great
18 assistance to me.

19 THE CHAIRMAN: Well, Mr. Freidin, do you
20 need some time before you want to set up?

21 MR. FREIDIN: No, I don't need any time
22 before we start to set up, but I need some time to set
23 up.

24 I've been advised that it would be about
25 an hour, so if we could -- why don't we say eleven

1 o'clock. I think hopefully we will be ready to go at
2 eleven.

3 I should advise the Board that in terms
4 of documents that they should bring with them, and I
5 may miss some, there is obviously the documents -- the
6 three documents which make up the witness statement,
7 there is the witness statement, there is Reference 3A,
8 and I can't remember -- another document, the Timber
9 Management Planning Manual and the amendments which is
10 Exhibit 7, obviously the EA which is Exhibit 4.

11 I would ask you that you bring your copy
12 of the terms and conditions.

13 THE CHAIRMAN: This list, I take it,
14 hasn't been provided to Mr. Mander yet?

15 MR. FREIDIN: No, it has not. What I
16 will try to do is between now and eleven o'clock --

17 THE CHAIRMAN: Would you mind just giving
18 him a list of this because he will have to dig these
19 things out of various boxes.

20 MR. FREIDIN: All right.

21 THE CHAIRMAN: And if we have got an
22 hour, he will have enough time to do that.

23 MR. FREIDIN: Sure, okay.

24 THE CHAIRMAN: Very well. We will break
25 for an hour.

1 Thank you, panel. I know it has been a
2 long haul, and I don't know if we will get to see any
3 of you further, but thanks for your attendance.

4 --- (panel withdraws)

5 --- Recess taken at 9:50 a.m.

6 --- On resuming at 11:05 a.m.

7 THE CHAIRMAN: Thank you. Be seated,
8 please.

9 MR. MARTEL: We might be able to rent the
10 new stadium in Toronto, maybe.

11 THE CHAIRMAN: Are you ready, Mr.
12 Freidin?

13 MR. FREIDIN: Yes. Mr. Cosman would like
14 to address the Board on a procedural matter.

15 MR. COSMAN: Thank you, Mr. Chairman,
16 Members of the Board.

17 On Monday, Mr. Cassidy raised with you a
18 question of the timing of the delivery of our witness
19 statements. As you know, we are in the midst of the
20 preparation of our case and we want to ensure that
21 things go smoothly once our case starts the beginning
22 of January.

23 One of the questions, of course, under
24 the Board's direction, the Board directed that the
25 OFIA/OLMA deliver their witness statements before the

1 end of the MNR case and that we intend to do. Part of
2 the problem that we have facing us in terms of
3 logistics is knowing when to deliver our first
4 statement.

5 Under the Board's rules which were
6 designed at a time when we thought we were going to be
7 starting immediately after the MNR, we were to deliver
8 our first statement 60 days before the end of the MNR
9 case. Sometimes it's difficult to know when the MNR is
10 going to finish. I have spoken to Mr. Freidin and he
11 thinks December 1st is a safe, conservative estimate
12 and a reasonable estimate.

13 On that basis, we would like to - and I
14 think Mr. Cassidy has already indicated to you -
15 deliver our first -- in fact, we intend to deliver both
16 our first and second statements on October 2nd which is
17 the Monday and we just wanted to ensure that that was
18 all right with the Board and with the other parties.

19 There certainly is no prejudice to any
20 one because they will have those statements not 60 days
21 in advance of when they would have received them if our
22 case had started on -- immediately after the MNR case,
23 they will have over three months, and I think you had
24 indicated that if anyone had any objections they could
25 make it today.

1 THE CHAIRMAN: Yes, that's correct. We
2 did want to deal with it formally today because the day
3 that Mr. Cassidy raised it there was hardly anybody
4 here other than a couple of parties.

5 I don't think the Board finds anything
6 wrong with the suggestion. Mr. Freidin, if you are
7 anticipating that the outside date will be December
8 1st - of course nobody is a hundred per cent sure that
9 in fact will be correct - we frankly at this point
10 don't know what will occur between December 1st and
11 December 15th which is when the Board is planning to
12 rise for the Christmas holiday vacation.

13 By that, I mean, we are not sure whether
14 Dean Baskerville will be available for that period of
15 time. I haven't been able to contact Mr. Turkstra as
16 to whether or not he can appear during that period of
17 time. If he can't, we have indicated to the industry
18 that they would not be required to start their case
19 until January the 9th due to some scheduling
20 difficulties that they have. I think it was January
21 9th; was that not the date?

22 MR. COSMAN: Yes, that is the date
23 appointed by the Board, Mr. Chairman.

24 THE CHAIRMAN: And, therefore, we might
25 find ourselves in the position of having to find

1 something useful to do for a couple of weeks in
2 December if in fact Dean Baskerville cannot attend
3 during that period.

4 It may well be that the Board will
5 seriously consider holding another satellite hearing
6 somewhere during that period of time. That will
7 depend, to a large degree, on our experience I think in
8 the Dryden satellite hearing a couple of weeks from
9 now.

10 If in fact we don't go away on a
11 satellite hearing, we will certainly endeavour to
12 usefully use that time, we don't want to just kill
13 another two weeks of the hearing with nothing to do,
14 but it will not be the industry that will have to step
15 in the breach earlier than January the 9th.

16 Now, there is another scenario that we
17 have to seriously consider and; that is, if Dean
18 Baskerville cannot attend December 1st, if that is the
19 date that we are finished with the Ministry's case, we
20 may have him attend immediately after the new year on
21 or about January the 9th and his evidence -- we have no
22 idea at this point how long his evidence is going to
23 take, that will depend to a large extent on how the
24 issues are focused and to what extent parties wish to
25 cross-examine Dean Baskerville.

1 We had originally thought that his
2 evidence might take something like three weeks total,
3 including the cross-examination. We are not at all
4 confident that that will in fact be the case, given the
5 fact that there is something like 900 references in the
6 transcripts to date concerning Dean Baskerville. There
7 may be more interest in parties examining him than we
8 anticipate.

9 So we have to work that out, Mr. Cosman,
10 in terms of whether or not you in fact will be starting
11 January the 9th, but we will try and give you some
12 indication of that as soon as we find out from Mr.
13 Turkstra when Dean Baskerville is in fact going to
14 attend.

15 As far as the delivery of the witness
16 statements, we don't think that there is any problem
17 unless any parties wish to raise any particular
18 objections to your proposal to have the statements
19 delivered for the first two panels by December 1st.

20 MR. COSMAN: Mr. Chairman, if in fact the
21 MNR completes its case on or about December 1st, then
22 it's fully in compliance with your directive that it be
23 October 1st, in any event, in which case we would
24 still, in advance of what you have requested, be
25 delivering two statements. It's really for information

1 for my friends in part that I make this rather than in
2 asking for an indulgence.

3 But the other question that I would raise
4 with you - and you may not be able to assist now - we
5 have scheduled, as you might imagine, a lot of peoples'
6 time who are very busy people like all of us and it
7 will be very important to determine the Baskerville
8 issue so that I can tell those people that they can
9 otherwise carry on their business.

10 THE CHAIRMAN: Well, we are certainly
11 attempting to do that and I would think probably by the
12 end of this week or very early next week we shall have
13 an indication from Mr. Turkstra when Dean Baskerville
14 in fact plans to attend.

15 Again, I think it's important that the
16 Ministry's case is completed before he attends and,
17 given the fact that we don't know exactly when they are
18 going to complete, we will probably have to indicate to
19 Dean Baskerville that we would not require him before
20 December 1st, although we might try to build in some
21 flexibility in case the Ministry finished, for
22 instance, a week early that maybe he could come a week
23 earlier than that.

24 We also have to settle where we are going
25 to examine Dean Baskerville and there is every

1 indication that we are going to do it in Toronto at
2 this point in time as opposed to up here.

3 MS. SEABORN: Mr. Chairman, just on the
4 question of the delivery of the industry witness
5 statements. Mr. Cosman, a question of clarification.
6 Will all the industry's witness statements be filed
7 before the end of MNR's case?

8 MR. COSMAN: Yes, I said that, Mr.
9 Chairman, and that will be the case.

10 MS. SEABORN: Okay. So it's the first
11 two will arrive the beginning of October and thereafter
12 during the two-month period to December 1st the
13 remainder of the witness statements will be delivered?

14 MR. COSMAN: Yes, Mr. Chairman.

15 THE CHAIRMAN: All right.

16 MR. FREIDIN: And I understand, as was
17 the case with our witness statements, Mr. Cosman will
18 do his best to predict when those panels will take
19 place and he will put a date in a covering letter
20 saying: Could you please have your interrogatories in
21 by "x" date, so everybody will know where we are
22 shooting for.

23 THE CHAIRMAN: And then we will want to
24 plan the scoping sessions for those panels accordingly
25 as well. You might give that some consideration as to

1 when statements of issues would be filed for the first
2 two statements for the evidence being given on January
3 9th, if that is when you start. We will want to do a
4 scoping session ahead of that, of course.

5 But that will give parties between
6 October 4th and some date to file their statement of
7 issues, so they will have an opportunity to at least
8 look at the first two panels. Now, I realize that it
9 assists the scoping sessions if you have got all of the
10 witness statements in front of you.

11 MS. SEABORN: That was my concern, Mr.
12 Chairman, when I raised it, was that I think in terms
13 of -- it would be helpful, before we had the first
14 scoping session, to have an idea of the whole case.
15 And that also does assist in the interrogatory process
16 because it may be that...

17 THE CHAIRMAN: Well, there should be
18 enough time from December 1st to January 9th to both
19 file the statements of issue and also hold the scoping
20 session. It just may not give you a lot of time to
21 look at all of the other panels, but it will give you
22 an opportunity to at least review them in a cursory
23 fashion.

24 Okay.

25 MR. COSMAN: Certainly more time, Mr.

1 Chairman, than if we were starting December 2nd with
2 our own case.

3 THE CHAIRMAN: Yes, yes. Very well. If
4 we have nothing further, I guess we can proceed with
5 Panel 15.

6 I think we are probably going to have to
7 swear some members of this panel. The ones who have
8 already been sworn remain sworn.

9 MR. FREIDIN: Yes. All the new witnesses
10 will be sworn. Mr. Fleet would ask to be affirmed. So
11 perhaps the witnesses who will be sworn could all come
12 up.

13 THE CHAIRMAN: Would all of you please
14 come up here.

15 JOHN McNICOL,
16 FRANK D. KENNEDY,
17 J. JOSEPH CHURCHER, Recalled
18 RICHARD WILLIAM GROVES,
19 HARTLEY MULTAMAKI,
20 ALBERT BISSCHOP,
21 ROGER W. DAVISON, Sworn
22 ROBERT THOMAS FLEET, Affirmed

23 MR. FREIDIN: Qualifications?

24 THE CHAIRMAN: Yes.

25 MR. FREIDIN: I would ask that, I guess
starting at the left, that Mr. Groves be qualified as a
professional forester and an expert in timber
management planning.

1 THE CHAIRMAN: Any objections to those
2 qualifications?

3 (no response)

4 Very well, he'll be qualified in those
5 areas.

6 MR. FREIDIN: In relation to Mr. McNicol,
7 he was qualified earlier. It has come to my attention
8 that the Board didn't formally designate him in terms
9 of all of the areas in which his CV indicate that he is
10 an expert in.

11 I think the transcript may indicate that
12 he was only, I guess, formally designated as a
13 professional forester or as a forester. It's quite
14 clear from his curriculum vitae and from the evidence
15 that we led, and I think everybody accepted his
16 evidence as an expert in wildlife biology.

17 So I would like to formally have the
18 record indicate that he be qualified in the area of
19 wildlife biology as well.

20 THE CHAIRMAN: The Board certainly
21 doesn't have a problem with that. Do any parties wish
22 to object to that further qualification?

23 (no response)

24 Thank you. He will be qualified in that
25 additional area.

1 MR. FREIDIN: Mr. Multamaki, I ask to be
2 qualified as a professional forester and an expert in
3 timber management planning.

4 THE CHAIRMAN: Any objections?

5 (no response)

6 So qualified.

7 MR. FREIDIN: Mr. Bisschop, I ask that he
8 be qualified as a professional forester and an expert
9 in environmental planning. And there is a fairly
10 lengthy CV for Mr. Bisschop which indicates areas of
11 environmental planning that he has been involved in,
12 and I don't intend to pursue that and be any more
13 specific.

14 THE CHAIRMAN: So he would basically be
15 qualified as an environmental planner?

16 MR. FREIDIN: Yes.

17 THE CHAIRMAN: Any objections?

18 (no response)

19 Qualified in those areas.

20 MR. FREIDIN: Mr. Fleet as a professional
21 forester and an expert in timber management planning.

22 THE CHAIRMAN: Any objections?

23 (no response)

24 So qualified.

25 MR. FREIDIN: Mr. Churcher was qualified

1 in Panels 12 and 13 as a professional entomologist with
2 experience -- expertise in forest entimology.

3 I would like to add to that expertise for
4 the purpose of this panel by having him qualified as
5 well as an expert in the planning of protection
6 operations.

7 THE CHAIRMAN: That is certainly the
8 first time this Board has encountered that particular
9 qualification. Does anybody have any difficulty?

10 (no response)

11 Very well, so qualified.

12 MR. FREIDIN: And I would like to have
13 you encounter it for the second time and have Mr.
14 Davison qualified as a professional forester and an
15 expert in the planning of protection operations.

16 THE CHAIRMAN: Any difficulties?

17 (no response)

18 Very well. Mr. Davison, you will be
19 qualified in those areas.

20 I take it Mr. Kennedy is not left out
21 intentionally, he will remain qualified in the areas
22 for which he was previously qualified?

23 MR. FREIDIN: Right. I must admit, I
24 haven't gone back to see whether in fact he was
25 qualified as an expert in timber management planning.

1 I am assuming that he was, but in case he wasn't, I
2 would ask that he be so designated?

3 THE CHAIRMAN: Very well.

4 MR. FREIDIN: I guess the next thing to
5 do is to file some documents as exhibits, Mr. Chairman.

6 The first document that I would like to
7 mark as an exhibit, and perhaps it can be given -- the
8 Statement of Evidence for Panel 15. There are two
9 volumes and I would suggest they be given the same
10 number and be marked A and B.

11 THE CHAIRMAN: Very well. Exhibit 813A
12 will be Volume I.

13 MR. FREIDIN: What is the exhibit number?

14 THE CHAIRMAN: 813A. And Volume II will
15 be Exhibit 813B.

16 MR. FREIDIN: (handed)

17 ---EXHIBIT NO. 813A: Statement of Evidence for Panel
18 15, Volume I.

19 ---EXHIBIT NO. 813B: Statement of Evidence for Panel
20 15, Volume II.

21 MR. FREIDIN: The next document is a
22 document, it's entitled: Red Lake Crown Management
23 Unit Timber Management Plan, Excerpts. It's the binder
24 that you have with the white backing.

25 THE CHAIRMAN: Exhibit 814.

MR. FREIDIN: (handed)

1 what is in there.

2 Now, Mr. Chairman, I thought about
3 whether it was really necessary for me to make any
4 opening remarks about this panel as I have done in the
5 past. I don't think it is necessary, so I don't intend
6 to do that.

7 I will, however, through Mr. Kennedy,
8 provide some sort of a general outline of where this
9 panel is going and what all the paper is so that we can
10 get that sort of administrative thing out of the way
11 before we really get into dealing with, I guess, the
12 substance of the panel and; that is, to describe the
13 planning process.

14 DIRECT EXAMINATION BY MR. FREIDIN:

15 Q. So if I can begin then with you, Mr.
16 Kennedy, I would ask you to indicate to the Board how
17 the panel is going to approach giving evidence, firstly
18 in relation to Document No. 1 which is entitled:
19 Introduction to Timber Management Planning.

20 MR. FREIDIN: Document No. 1 starts, Mr.
21 Chairman, at page 111 of Exhibit 813A.

22 MR. KENNEDY: I would like to begin with
23 using of an overhead and filing of another exhibit.

24 MR. FREIDIN: Perhaps this overhead
25 entitled: Introduction to Timber Management Planning

1 could be marked as the next exhibit, Mr. Chairman.

2 (handed)

3 THE CHAIRMAN: Exhibit 816.

4 ---EXHIBIT NO. 816: Hard copy of overhead entitled:
5 Introduction to Timber Management
Planning.

6 MR. FREIDIN: Mr. Chairman, it's not our
7 intention to get to exhibit a thousand before we hear
8 any evidence.

9 THE CHAIRMAN: If you do so, you do so at
10 your peril, Mr. Freidin. I think if you play your
11 cards right the industry will be saddled with the
12 problem.

13 MR. FREIDIN: I am making a conscious
14 effort to arrange that.

15 Q. Okay, Mr. Kennedy, can you speak to
16 that exhibit?

17 MR. KENNEDY: A. Yes. This provides an
18 overview of the evidence that will be given in relation
19 to Document No. 1.

20 I would like to point out right at the
21 outset that the first three points deal with the
22 contents of Document 1 and the last two points in the
23 overhead are administrative in nature which will be
24 dealing with the structure of the panel, and I believe
25 it will help all parties follow through the balance of

1 the evidence that will be given by Panel 15.

2 First off, in Document 1 myself will be
3 giving an introduction to timber management planning,
4 followed by an overview of the current planning
5 process.

6 Mr. Multamaki will be giving an
7 explanation or a general description of a timber
8 management plan, and Mr. Multamaki and I will be
9 outlining the structure of the evidence package and
10 making further reference to Exhibit 3A (sic) and how
11 that came to be relative to the entire volumes that
12 make up the Red Lake Crown Management Unit Timber
13 Management Plan.

14 Q. You refer to Exhibit 3A, I assume you
15 are referring to Reference 3A which has been marked as
16 Exhibit 814?

17 A. I beg your pardon, yes, Exhibit 814.
18 I would like to close off the discussion of Document 1
19 by reviewing some of the revisions that have been made
20 to the various documents that we will be referring to
21 throughout the course of Panel 15 and ensure that all
22 parties have the correct information with them so that
23 they will be able to follow along throughout the rest of
24 that evidence, and we do have a number of copies with
25 us that we can provide for their assistance.

1 Q. Mr. Kennedy, you indicated that you
2 were going to be speaking to the first item, Providing
3 an Introduction to Timber Management Planning. I
4 understand that that really is the first part of
5 Document No. 1?

6 A. That's correct.

7 Q. And just for the reference, that
8 starts on page 114 of Exhibit 813A. Now, looking at
9 Part 1 of Document 1, I note that it compares the
10 present timber management planning process with the
11 timber management planning process as it existed in
12 earlier years. And could you advise how you are going
13 to be addressing this subject of comparing the present
14 process with the earlier process?

15 A. Yes. First of all, I would like to
16 point out that when we produced the statement of
17 evidence that there had been a fair amount of interest
18 expressed in the hearing room relative to the old
19 process and the changes that were made to bring it up
20 to date to the process that we are now proposing to the
21 Board.

22 We thought that it would be helpful to
23 deal with that both in the statement of evidence as
24 well as to highlight some of those changes here, and I
25 do recall that the Board Chairman asked specifically

1 that we deal with some of those major changes.

2 As well as there was a number of
3 interrogatories we received for Panel 15 which also
4 asked questions of some of the changes that had been
5 made and asked for an explanation for those changes, so
6 we will be providing that in verbal form throughout
7 this panel, particularly in relation to Document No. 2,
8 and there has -- just as a reminder that there has been
9 some evidence given earlier, particularly by Mr. Armson
10 in Panel 2, relative to some of the changes that have
11 been made over the years and referring back to some of
12 the earlier timber management planning manuals that
13 were in place.

14 We thought that the best way of handling
15 this subject of old process versus new would be to
16 reflect on the old process as we are describing the new
17 process. So when we are leading evidence in relation
18 to Document No. 2, which is Preparing a Timber
19 Management Plan, we will be giving an outline of the
20 current practice, the current planning process that is
21 before the Board.

22 We will then be highlighting the changes
23 that have been made and, in most cases, providing some
24 background information as to why those changes have
25 been made. And at the end of Document 2 we intend to

1 summarize those changes and I do believe we will be
2 putting a chart forward which will demonstrate or
3 compare in a simple fashion the major changes that have
4 occurred from the previous planning processes to that
5 that currently is before the Board.

6 Q. Now, the third part of Document No. 1
7 is entitled: Overview of Current Planning Process and
8 Timber Management Plan Production. And could you in
9 fact -- could you speak to that subject matter by way
10 of an overview?

11 A. Yes, certainly. I think it's
12 important to point out from the outset that to prepare
13 a timber management plan requires the planning teams
14 that are involved to refer to two separate documents,
15 first of all the Class EA, which is Exhibit 4 and the
16 Timber Management Planning Manual, Exhibit 7. Both
17 documents are necessary for the production of the plan.

18 It is somewhat awkward at this time, but
19 MNR has not taken the initiative to combine those two
20 documents prior to the hearing for some good reasons,
21 and I would like to outline a couple of those.

22 First of all, we were anxious to get on
23 with implementing the proposed process for purposes of
24 training staff, for allowing MNR to gain experience in
25 that proposed process, to allow us to make revisions to

1 it to ensure that it was in fact implementable, knowing
2 full well that the Board would likely provide some
3 changes as a result of the hearing by way of terms and
4 conditions and a ruling at the end, and that at some
5 time we would be required to combine those two
6 documents and have a single document.

7 And we thought that there would be a
8 certain amount of wasted effort if we had tried to do
9 that early in the process and, hence, we have held
10 off. However, we are committed to having a single
11 document that will provide direction for timber
12 management planning in the province.

13 We have incorporated this commitment into
14 a term and condition that we have filed in draft form
15 and I am not sure, Mr. Chairman, the best way to deal
16 with the terms and conditions.

17 THE CHAIRMAN: Well, you might, I think
18 for clarity, if you are going to indicate that
19 something that you are dealing with in evidence is
20 covered by a proposed term and condition, you might
21 refer us to it by the actual number so that we can tie
22 it in in our notes.

23 MR. KENNEDY: Very good. This particular
24 term and condition --

25 MR. FREIDIN: I was wondering before we

1 do that. Mr. Chairman, I just ask for your direction
2 on this and you may want to make exceptions as we go
3 along in relation to extremely long terms and
4 conditions, but I am sure everyone has read through
5 these terms and conditions and, in addition to actually
6 referring to them, I am just wondering whether it might
7 be useful to the Board to in fact read through together
8 that term and condition sort of in the context of the
9 evidence which is being given.

10 Just a suggestion that I think should be
11 considered and I ask for your direction on that before
12 Mr. Kennedy in fact embarks on the course of actually
13 reading to the Board and reading into the record the
14 term and condition.

15 THE CHAIRMAN: Well, I think even though
16 it may take a couple of extra minutes it's probably
17 useful and it's useful from the perspective that other
18 people are following these proceedings via the
19 transcripts and it will make it, I think, easier for
20 them to follow along, particularly since so many people
21 I think are interested in the terms and conditions that
22 might accompany the Board's decision in this matter.

23 MR. FREIDIN: Were the terms and
24 conditions given an exhibit number?

25 THE CHAIRMAN: Exhibit 700 I believe.

1 MS. SEABORN: That's correct.

2 MR. FREIDIN: Q. Well then, with that
3 particular direction, Mr. Kennedy, perhaps you could
4 speak to the term and condition No. 30.

5 MR. KENNEDY: A. Yes. The particular
6 term that we are -- I was referring to at that time in
7 Exhibit No. 700 is No. 30 and it's under the heading:
8 TPM which stands for Timber Management Planning Manual
9 and TMP Brochure which stands for Timber Management
10 Planning, however No. 30 reads as follows:

11 "Within eight (8) months of receipt of
12 this approval, MNR shall revise the
13 Timber Management Planning Manual for
14 Crown Lands in Ontario to incorporate any
15 new or changed requirements of the timber
16 management planning process, and any
17 associated terms and conditions of this
18 approval. Prior to finalization of these
19 revisions to the manual, MNR will provide
20 the Director of the Environmental
21 Assessment Branch, Ministry of the
22 Environment with an opportunity to
23 review those revisions to ensure that all
24 appropriate terms and conditions of this
25 approval have been incorporated."

1 Currently the direction that is provided
2 in the Class EA as well as in the Timber Management
3 Planning Manual is required to be followed on all three
4 types of management units that occur in the province;
5 those being, forest management agreement forests, Crown
6 management units, and company management units.

7 There was an interrogatory that had asked
8 this question specifically and we'd just like to
9 indicate on the record now that in fact the planning is
10 the same and the Timber Management Planning Manual
11 applies to all three units.

12 No operation or activity can occur in the
13 forest without approval by MNR in the form of either a
14 timber management plan that is prepared in accordance
15 with that approved process or an amendment to a timber
16 management plan.

17 However, I should indicate that that
18 recognizes the five-year phase-in schedule which has
19 been -- which will be spoken to which is in conjunction
20 with the scheduled renewal of timber management plans
21 and the manner in which MNR intends to phase in the
22 results of the Board's ruling.

23 I think it's important in an overview
24 sense to understand that we will be providing a
25 description of the planning process and the

1 documentation requirements that come out of it in
2 rather a step-like fashion. We've broken it down into
3 steps for ease of understanding, and to the reader it
4 may appear to be a rather linear process and I'd like
5 to advise that that isn't the case.

6 It is in actually a very iterative
7 process and there is an overhead that I'd like to refer
8 to at this time -- or, sorry, it's not an overhead, I
9 would like to refer to page 109 of Exhibit 4, the Class
10 EA, and I would also like to indicate that we've
11 produced a large frame blow-up of this particular one
12 I would like to set on the easle at the front of the
13 room.

14 Mr. Chairman, it may seem odd to some
15 observers that we have taken this liberty of blowing up
16 pages out of the Exhibit 4, but there are several
17 exhibits that -- or several pages out of the exhibit
18 that we will be using and we think are quite key to the
19 understanding of the process and I think will assist
20 the Board and other parties in following along.

21 We're not suggesting this be made a
22 separate exhibit number since it is contained in
23 Exhibit 4 and is simply a blow-up of that particular
24 page.

25 THE CHAIRMAN: I think you might mark it

1 though as Exhibit 4, page 109, so that at the end of
2 the day when we cart away everything by the two tractor
3 trailers that we will have hired for the purpose we can
4 easily ascertain where it is from.

5 MR. FREIDIN: Well, I'm just wondering
6 whether it would be even necessary for you to cart it
7 away. Having the exact document in the EA, it may ease
8 the burden of carting material.

9 THE CHAIRMAN: Well, that may be the case
10 as well.

11 MR. FREIDIN: However you wish, Mr.
12 Chairman.

13 THE CHAIRMAN: It doesn't matter. I
14 don't think it would hurt to put the exhibit number on
15 and then we can reserve our decision as to whether we
16 should take some of these extra ones away at all.

17 MR. KENNEDY: At this time we're not
18 going into the details of the particular figure which
19 is page 109 out of Exhibit 4, we are attempting just to
20 provide an overview.

21 And what I would like to point out in
22 this case is that the steps that are shown on the
23 left-hand side of that page, Steps 1, 2, 3 and 4, is
24 how the Exhibit 4 is structured which provides a
25 description of the planning process. We will not be

1 referring to that, the step-by-step process as we
2 present evidence in Panel 15, but those steps are
3 contained in Exhibit 4 for ease of understanding.

4 We will be covering in Document No. 2 all
5 of the subject matters that are dealt with underneath
6 those steps as shown on that page. What I would like
7 to indicate here is that many of those subject matters
8 have been dealt with before in earlier evidence, but in
9 Panel 15 we will be talking about the planning aspects
10 and drawing together much of the evidence that's been
11 given by earlier panels.

12 I'd also like to indicate that the
13 process is an iterative one and many of the items are
14 occurring simultaneously. Many of the steps that are
15 illustrated there as separate, discreet items are not
16 in fact occurring in a chronological order as you may
17 expect as a result of that information being structured
18 as it is on that page 109.

19 As an example, there may be information
20 that comes forward perhaps even during this Step 4
21 towards the bottom of the page, new information that
22 the planning team wasn't aware of that would cause you
23 to go back to Step 1 and add that information to a
24 values map. We will be discussing a values map, but I
25 know that we had mentioned it once before in Panel 7.

1 So it's a very iterative nature process
2 in that many of those steps that you see up there and
3 the subject matters are being dealt with by the
4 planning team all at one time. I think this will
5 become important later as we get into the full
6 explanation of how a timber management plan is
7 produced. For ease of understanding we will be
8 discussing them as individual steps.

9 Another aspect about an overview in a
10 timber management plan is that there's a fair amount of
11 documentation required. The Timber Management Planning
12 Manual itself deals with the format of that
13 documentation and there is a high degree of
14 traceability of information that is presented to the
15 planning team and decisions that are made during timber
16 management planning. The result of those decisions are
17 recorded in the timber management plan, and we will be
18 discussing that in detail as we go through Document No.
19 2.

20 The other comment I would like to make in
21 terms of an overview is that the timber management plan
22 is not a static document, that it is renewed every five
23 years as a normal renewal schedule. There are
24 situations that can arise that would cause an
25 unscheduled renewal and we will be discussing those as

1 well during the evidence of Panel 15.

2 We've moved to a five-year time frame for
3 plans largely to recognize the need to keep the plans
4 current and to recognize the changes that are
5 occurring, both changes within the forest conditions as
6 well as general changes within society, and also to
7 recognize that our predictive capabilities are limited
8 and it's important to update some of the key
9 information in the plan to ensure that it's kept
10 current and that the forest is being managed in an
11 appropriate fashion.

12 MR. FREIDIN: Q. And, Mr. Kennedy, I
13 understand that the -- by way of overview, that the
14 planning process also provides formal opportunities for
15 public consultation?

16 MR. KENNEDY: A. Yes, that's correct.
17 Throughout the preparation of the timber management
18 plan there are both formal and many informal
19 opportunities for general members of the public and
20 specific interest groups to be involved during the plan
21 production, and we will be providing a considerable
22 amount of detail and some exhibits that have been
23 prepared in conjunction with the Red Lake Crown Timber
24 Managment Plan that we're using as our main exhibit
25 here.

1 THE CHAIRMAN: Is the Red Lake Crown plan
2 that you are going to put forward, in your opinion,
3 representative of how the planning process would occur
4 on all three types of units?

5 MR. KENNEDY: Yes, I do feel it is
6 representative of the way in which the process is both
7 applied and the kind of documentation that occurs.

8 There are some minor differences in some
9 of the specific tables that are presented and we will
10 be discussing those as we go through Document 2 and
11 highlighting some of those differences, particularly
12 those related to forest management agreements, but the
13 Red Lake Crown plan is a good representation of the
14 application of the process and the kind of expected
15 documentation resulting from it.

16 Mr. Chairman, I can advise that that's
17 been a subject of interrogatories by at least two
18 parties and we are fortunate to be able to file -- or
19 send out those interrogatories today so many of the
20 parties will be able to find the details of their
21 questions today, and we do apologize for the delay.

22 MR. FREIDIN: Mr. Chairman, where in fact
23 there may be a situation in the plan which perhaps
24 might be treated a little bit differently today - even
25 aside from perhaps a formal requirement - the witnesses

1 will probably be addressing those situations as well to
2 basically address the question that you have asked.

3 THE CHAIRMAN: Thank you.

4 MR. FREIDIN: Q. Now, Mr. Kennedy, the
5 last part of the document -- or the last bullet that
6 you had up there on Exhibit 816 and the subject matter
7 of Part 2 of Document 1 was a general description of
8 the timber management plan. And I'm just wondering,
9 could you please describe in very general terms what a
10 timber management plan is, and I understand you have an
11 overhead for this?

12 MR. KENNEDY: A. Yes, I do. Thank you.

13 Q. How do you turn this on?

14 A. The button in the front, and the next
15 overhead is in the box, if you would, Mr. Freidin.

16 Q. Oh, you are asking me to do all that;
17 are you? How is that, Mr. Kennedy?

18 A. That's very good. Thank you.

19 THE CHAIRMAN: I think, Mr. Freidin, you
20 will have to move this a bit because we can't see the
21 overhead.

22 MR. KENNEDY: It could be folded up now,
23 Mr. Freidin, and put to the side.

24 THE CHAIRMAN: Thank you. Are you going
25 to be producing hard copies of this?

1 MR. FREIDIN: I have hard copies.

2 THE CHAIRMAN: Exhibit 817.

3 MR. FREIDIN: (handed)

4 THE CHAIRMAN: Thank you.

5 ---EXHIBIT NO. 817: Hard copy of overhead entitled:
6 A Timber Management Plan,
Simplified.

7 MR. FREIDIN: Q. Okay, Mr. Kennedy.

8 MR. KENNEDY: A. Mr. Chairman, in a
9 moment Mr. Multamaki is going to be filing as exhibits
10 the volumes that make up the Red Lake timber management
11 plan, but prior to doing that you may notice on the
12 front table to Mr. Freidin's left that there are
13 considerable volumes. I can advise you that that is
14 what the exhibits will be and that many people in the
15 room have seen copies of a timber management plan
16 before and have made comments of its size.

17 We thought it would be helpful for the
18 Board, and perhaps prior to Mr. Multamaki getting into
19 it, is to provide a simplified view of what we do find
20 in a plan and to advise you that we will be providing
21 the details of that in Document 2 as to how that plan
22 was produced.

23 In it's very simplest form we've outlined
24 four bullet points on this overhead that indicates that
25 a timber management plan could be described as simply a

1 look back in time at the kind of activities that have
2 occurred on a management unit in the past, the recent
3 past, five years, an update of information, and by
4 information in this case I mean information that would
5 be relative to the forest conditions, relative to
6 values and features that are found within that
7 management unit, as well as management type
8 information.

9 The plan then goes about taking a look to
10 the future and determines the kind of direction that
11 that particular land base should be managed towards,
12 and once that direction has been determined provides a
13 forecast of activities that will occur during the next
14 five years.

15 I think that's a very good simplified
16 view of what is contained in a timber management plan
17 and I think may be helpful to parties as we hear some
18 of the balance of the evidence, particularly that to be
19 presented by Mr. Multamaki.

20 Q. Do you have any overview comments
21 about the plan and the process that you would like to
22 speak to before Mr. Multamaki actually enters as an
23 exhibit his plan?

24 A. Yes, I do. I'd like to talk briefly
25 about the content of timber management plans in general

1 and indicate that in many ways they are nothing more
2 than a collection of text, tables and maps, all of
3 which are related and all of which provide a very good
4 documentation of the results of following the planning
5 process and provide both the direction that will be
6 followed on that management unit and guidance in the
7 activities that have been discussed previously here at
8 the hearing which, of course, are: access, harvest,
9 renewal and maintenance.

10 The timber management plan itself is
11 viewed as having several binders that are formally
12 called the plan, as well as there is a summary of files
13 that are kept which are referred to as supplementary
14 documentation. That summary of files is a record of
15 the application of the process.

16 Although we will be getting into it in
17 some detail, to give you an example of the kind of
18 information you would see in a supplementary
19 documentation, will be a record of the public notices
20 that are issued which would invite people to
21 participate during the timber management planning
22 process. This supplementary documentation we normally
23 view as not formally part of the plan, but always
24 accompanies it, is in the form of an appendix.

25 As a result of that there are many other

1 files that are created during the preparation of the
2 plan and those files are retained in the district
3 office or in the company's office and are available for
4 inspection if required.

5 I would also like to indicate that the
6 production of the plan is a result of a joint effort of
7 the planning team members. I know that the Board has
8 heard considerable evidence on planning teams and we
9 will be highlighting and capsulizing some of that
10 information as we go through Document 2.

11 However, I should indicate that the
12 principle author of a plan is the professional forester
13 and I think as -- in that the best way to get an
14 introduction -- a further introduction to the plan
15 would be to have one of the professional foresters
16 speak to that particular document, and that's what
17 we've asked Mr. Multamaki to do relative to his
18 particular plan that was produced for the Red Lake
19 Crown unit.

20 MR. FREIDIN: Now, Mr. Chairman, what I
21 would like to do is give Mrs. Koven all of these
22 binders.

23 Mr. Multamaki is going to provide this
24 overview or a description of a timber management plan
25 by making very brief comments about what each binder

1 is, and hopefully through that process the Board will
2 get a full understanding of the type of documentation
3 and the sort of subject matters which are addressed in
4 a timber management plan.

5 This file, Mrs. Koven, are Books 1 to 4
6 and the second file are Nos. 5 to 9.

7 (handed)

8 THE CHAIRMAN: How do you propose that we
9 mark this exhibit?

10 MR. FREIDIN: I think we can give it all
11 one exhibit number and have it done A, B, et cetera,
12 but I would ask the reporter to record for the purposes
13 of the transcript what the title of the book is as
14 opposed to just -- so we have a record of that and we
15 know what the numbers apply to.

16 THE CHAIRMAN: Okay.

17 MR. FREIDIN: Q. Mr. Multamaki, with
18 those --

19 THE CHAIRMAN: Well, we will give it
20 Exhibit 818, starting off with I guess Exhibit 818A and
21 continue on through the nine volumes, but you're going
22 to explain to us, Mr. Multamaki, what each of these
23 are?

24 MR. MULTAMAKI: That's correct.

25 ---EXHIBIT NO. 818: Red Lake Crown Management Unit,

1 Timber Management Plan.

2 MR. FREIDIN: And, Mr. Multamaki, the
3 numbers -- Exhibit No. 818 I'm sure will take on new
4 significance for him.

5 Q. So you can start with a description
6 of those various books, Mr. Multamaki?

7 THE CHAIRMAN: Do you want to list them
8 all for us first so we can get them all down in one
9 place in our book and then you can talk about each one
10 as you go along?

11 MR. MULTAMAKI: Yeah, that's probably the
12 easiest way to start. If you take a look at your
13 Exhibit 814, two pages into it, there is a page No. 1
14 entitled -- is an index to the Red Lake Crown
15 Management Unit, Timber Management Plan.

16 MR. FREIDIN: It is the third page in,
17 the white -- three pages in. Actually it's the second.

18 THE CHAIRMAN: Okay. I have got this as
19 page No. 1.

20 MR. MULTAMAKI: That's correct. In the
21 left-hand column it should say book number, Nos. 1 to
22 9. As I enter the plan in evidence it's probably --

23 THE CHAIRMAN: Well, perhaps we should
24 give the book numbers as they appear in this exhibit;
25 instead of A, B, C, and D, we should call them 1

1 through 9.

2 MR. FREIDIN: Good idea.

3 MR. MULTAMAKI: What I'll be doing is, as
4 I enter these books, I will be giving a brief
5 description of what's contained within those books.

6 If you look at the plan it seems to be
7 incredibly complex and large in size, but as we go
8 through these books I'll give a brief description of
9 what's within those books and I think by the time we
10 finish presenting Document 2 you will see that in fact
11 it is relatively -- organized in a relatively
12 reasonable and understandable fashion and that we
13 should be able to move through it quite easily with a
14 minimum of instruction.

15 For example, if you start off with book
16 1, that's the main text. The main text in the plan
17 contains tables. As Mr. Kennedy has mentioned
18 previously, plans are very representative across all
19 management units. Those tables you would find would be
20 representative of what other plans would contain as
21 well.

22 The text itself basically tells you what
23 you plan to do and gives reasons and rationale for why
24 that occurs. The text primarily addresses timber
25 management activities; however, there is a section

1 which we'll get to later in the document that is called
2 Table 4.12 which deals with non-timber values or areas
3 of concern.

4 The Book No. 1 also contains four
5 appendices, Appendice A -- or Appendix A is the past
6 plan analysis. This was a regional requirement at the
7 time that this plan was prepared and it was
8 instrumental in preparing the report of past forest
9 operation which is a requirement under the planning
10 process. This would be equivalent to Mr. Kennedy's
11 look back, what happened on a management unit in the
12 past.

13 MR. FREIDIN: And, Mr. Chairman, that
14 past plan analysis, and more specifically the report of
15 past forest operations is the subject matter of
16 Document No. 2, Part 4, just so you can perhaps
17 cross-reference it. Mr. Multamaki and Mr. Kennedy will
18 be addressing that issue when we get to Document 2.

19 MR. MULTAMAKI: The second appendice
20 that's found -- or appendix that's found in Book 1 is
21 the stand listings -- or the stand listings. These are
22 simply forest resource inventory stand listings, as
23 have been previously presented by a previous panel, and
24 they give details about areas where timber activities
25 are proposed.

1 Appendix C, the MAD calculations, this
2 refers to the maximum allowable depletion calculations.
3 What Appendix C contains are those selected MAD runs by
4 working group or forest unit that were judged to be
5 most appropriate to the unit situation.

6 Appendix E is the final appendix
7 contained in Book 1.

8 MR. FREIDIN: Just before you perhaps do
9 Appendix E, for cross-reference purposes Document No.
10 2, Part 7, will be explaining the calculation of
11 maximum allowable depletions and the selection of the
12 most appropriate --

13 MR. MARTEL: Which one?

14 MR. FREIDIN: Document No. 2, Part 7.
15 And in that particular section, Mr. Chairman, we are
16 going to attempt to be brief having regard to the
17 length at which Dr. Osborn dealt with the calculation
18 of maximum allowable depletion.

19 Sorry, Mr. Multamaki.

20 MR. MULTAMAKI: The final appendix --

21 THE CHAIRMAN: Is Dr. Osborn coming back
22 to visit us at all?

23 MR. FREIDIN: Yes, he will be back as a
24 witness in Panel 16, not for the purposes of discussing
25 maximum allowable deletion though, I don't think.

1 MR. MULTAMAKI: The final appendix is
2 Appendix E in Book 1. It is called the Operational
3 Cruising Methodology and it's basically a list of
4 instructions on how to apply the cruising methodology
5 in the field.

6 This has been previously dealt with in
7 Panel 3 and 7, and it's important to realize that this
8 cruising information is instrumental in a number of
9 sections -- or preparing a number of sections of the
10 plan and we will be referring back to cruising a
11 considerable number of times throughout the plan.

12 ---EXHIBIT NO. 818.1: Book 1 of Red Lake CMU, Timber
13 Management Plan (Main text -
Appendices A, B, C and E).

14 MR. MULTAMAKI: Moving on to Book 2, this
15 is Appendix D. The reason that it shows as a separate
16 book is that it is -- contains folded maps and didn't
17 fit in with the main text; it was for organizational
18 purposes. These maps are simply key maps, generally
19 the smaller scale maps that accompany the plan. For
20 example, the first map that you would encounter in that
21 appendix is the eligibility map.

22 This will be dealt with in Part 8 of
23 Document 2, and it simply gives or shows the area
24 that -- where operations may be eligible within the
25 20-year period of the plan.

1 20-year period of the plan.

2 The second map - incidentally, it's at a
3 scale of 1:50,000 - the second map that you would
4 encounter is the preliminary area of concern map, it's
5 at a scale of 1:25,000. It will also be covered in
6 Part 8 of Document 2 and it's used primarily for
7 primary road planning purposes at a 20-year level.

8 MR. FREIDIN: Q. And when you refer to
9 primary road planning for the 20-year period, is that
10 the same as the primary -- the planning for primary
11 road corridors that was discussed by Mr. Tenaglia in
12 Panel 14?

13 MR. MULTAMAKI: A. That's correct.

14 Q. Thank you.

15 A. The third map you would encounter --
16 a third set of maps that you would encounter are the
17 allocation and roads maps at a scale of 1:50,000.
18 These are forest resource inventory or FRI composite
19 maps and they contain a variety of timber management
20 information at the five-year level. They're really key
21 maps that show where operations and activities will
22 occur.

23 The fourth set of maps are the declared
24 surplus maps at a scale of 1:50,000. These give the
25 physical location of areas that have been identified as

1 Q. And I understand that that
2 information is the surplus to the demand for the five
3 years -- five-year term of the plan?

4 A. That's correct.

5 MR. FREIDIN: And the allocation and road
6 maps will be discussed, Mr. Chairman, in Document No.
7 2, Part 10.

8 Perhaps that Book No. 2, which I guess
9 will be Exhibit 818.2, could be identified as Appendix
10 D, key maps.

11 THE CHAIRMAN: You have got two more Ds
12 coming up.

13 MR. FREIDIN: Right.

14 ---EXHIBIT NO. 818.2: Book 2 of Red Lake CMU, Timber
15 Management Plan (Appendix D,
key maps).

16 MR. FREIDIN: Q. Now, Mr. Kennedy,
17 perhaps before Mr. Multamaki goes on to Book No. 3
18 could you ex -- there's a number of maps behind you
19 against the back wall, they look like originals.

20 Perhaps you could explain the
21 relationship between Appendix D which was filed and was
22 marked by Mrs. Koven and the maps --

23 (Microphone feedback)

24 MS. SWENARCHUK: Switch it off and then
25 switch it on.

1 switch it on.

2 MR. FREIDIN: Q. The relationship
3 between the original maps you have behind you and the
4 maps which were included in Appendix D, which has been
5 marked as the actual exhibit?

6 MR. KENNEDY: A. Yes. The copy that is
7 on the Board's desk and the maps that are in there is a
8 copy that has been sitting in the reading room since
9 the statement of evidence was produced and mailed.

10 The maps that were contained in the plan,
11 the original maps, are coloured to illustrate a variety
12 of information and the copies that we put into the
13 reading room are in black and white, they are a
14 photocopy of those coloured maps.

15 We have retained the coloured set in our
16 offices for purposes of producing the evidence and we
17 will be using those throughout the explanation of the
18 planning process, and they certainly are available to
19 all parties to have a look at at any time and I believe
20 that offer was made earlier.

21 So the copies that are -- we felt --
22 excuse me, we thought it was important to have a
23 complete set of a copy of the maps available in the
24 reading room at all times and, hence, we were able to
25 secure photocopies as I indicated.

1 We have brought the other maps with us
2 today and if at any time any parties would like to have
3 a look at those, we can certainly make arrangements for
4 that.

5 MR. FREIDIN: Mr. Chairman, it's my
6 intention to have marked as exhibits the originals of
7 those maps that we will actually refer to in the
8 evidence and I think we will be asking the Board to
9 make the usual arrangements to release those exhibits
10 so they can be used for purposes with the usual
11 undertaking that we will provide them to the Board when
12 it's necessary for purposes of rendering their
13 decision.

14 THE CHAIRMAN: You have that undertaking.

15 MR. FREIDIN: Thank you.

16 MR. KENNEDY: I should also indicate to
17 the Board, Mr. Freidin, that those maps that -- the
18 original maps have been laminated between plastic to
19 make them more durable as I don't think they would last
20 the rigorous examination that they have been given
21 recently, and they are able to make marks on them with
22 overhead markers and we can get -- any notation that is
23 on them we can get photocopied and file that and still
24 retain the original copy.

25 MR. FREIDIN: Q. All right. So Book 3

1 which will be 818.3, I understand that Book 4 has the
2 same description, so you will be also dealing with
3 818.4 in your next remarks; Mr. Multamaki?

4 MR. MULTAMAKI: A. That's correct. book
5 3 and 4 are simply a continuation of Appendix D. Those
6 two books contain large scale 1:15,840 base maps.
7 These base maps are called the allocation and roads
8 maps and they simply contain additional detail on
9 forest management activities that are being proposed
10 than the 1:50,000 scale maps.

11 Incidentally the 1:50,000 scale maps, the
12 composites, are simply a mosaic or an assembly of these
13 1:15,840 scale maps and have been reduced in size or in
14 scale.

15 Moving onto book --

16 MR. FREIDIN: Perhaps then that could be
17 just marked with an exhibit number, Appendix D, and
18 then description will be base maps.

19 ---EXHIBIT NO. 818.3: Book 3 of Red Lake CMU, Timber
20 Management Plan (Appendix D,
base maps).

21 ---EXHIBIT NO. 818.4: Book 4 of Red Lake CMU, Timber
22 Management Plan (Appendix D,
base maps).

23 MR. MULTAMAKI: Moving on to Book 5.
24 This is the Supplementary Documentation General. Book
25 5 contains a correspondence file of letters, memos,

1 minutes of meetings, negotiations or descriptions of
2 negotiations and so on.

3 This book was compiled or assembled after
4 Fire No. 7 which happened in May of 1986. We will get
5 to the predecessor of this book later on, in fact, it
6 turns out to be Book 8 which is the one that leads up
7 to it.

8 ---EXHIBIT NO. 818.5: Book 5 of Red Lake CMU, Timber
9 Management Plan (Supplementary
Documentation General).

10 MR. FREIDIN: Q. All right. And I
11 understand that prior to that fire in May of 1986 you
12 had completed preparation of a timber management plan;
13 is that correct?

14 MR. MULTAMAKI: A. That's correct. That
15 is what we call the original draft timber management
16 plan for the Red Lake Crown.

17 Q. As a result of that fire, substantial
18 areas were lost and it required you to prepare a new
19 timber management plan?

20 A. That's correct, a large amount of the
21 area was lost.

22 Q. And the new timber management plan
23 that you prepared is the one which we are going through
24 now, Exhibit 818?

25 A. That's right. The exhibit that we

1 have in front of us is in fact the approved timber
2 management plan and not what we had called the original
3 or pre-fire draft.

4 MR. FREIDIN: Mr. Chairman, you will
5 recall that, again by way of reference, Mr. Armson had
6 some aerial photography or satellite imagery of this
7 particular area.

8 MR. MULTAMAKI: Moving on to Book 6, this
9 is still supplementary documentation for areas of
10 concern. It contains documentation on each area of
11 concern that was identified during the preparation of
12 the Red Lake Crown Management Unit plan.

13 ---EXHIBIT NO. 818.6: Book 6 of Red Lake CMU, Timber
14 Management Plan (Supplementary
Documentation Areas of Concern).

15 MR. MULTAMAKI: Book 7 is also
16 supplementary documentation for roads and it contains
17 all of the documentation or background information on
18 each road on the Red Lake Crown management unit.

19 ---EXHIBIT NO. 818.7: Book 7 of Red Lake CMU, Timber
20 Management Plan (Supplementary
Documentation Roads).

21 MR. MULTAMAKI: Book 8, as I have briefly
22 discussed or discussed previously is the supplementary
23 documentation general pre-fire 7 and it's almost
24 exactly the same as Book 5 except that it contains a
25 correspondence file prior to the fire in May of 1986.

1 guide to timber management plans, do they all follow
2 this type of format; do they all ultimately end up with
3 a number of volumes generally categorized under these
4 headings?

5 MR. MULTAMAKI: They contain that
6 information, however, there may not be nine volumes
7 there may be more or less. But timber management plans
8 across the province generally contain that information
9 in some fashion.

10 THE CHAIRMAN: Organized perhaps
11 differently?

12 MR. MULTAMAKI: Yes, not necessarily --
13 not considerably differently though. For example, the
14 main text and the appendices are relatively well
15 structured or structured generally in this fashion.

16 THE CHAIRMAN: Okay.

17 MR. FREIDIN: And just while we are on
18 that, Mr. Chairman...

19 Q. Mr. Multamaki, Appendix A which was
20 the past plan analysis, you indicated at the time you
21 prepared the plan there was a regional requirement. I
22 understand that that is no longer a requirement, but
23 has been replaced by something very similar?

24 MR. MULTAMAKI: A. That's correct. You
25 are talking about the report of the past forest

1 operations and we will be discussing it later in
2 Document 2.

3 When this plan was prepared the past plan
4 analysis was a regional requirement and it's my
5 understanding that it was for training purposes, we
6 were moving into a new process and I think it was a
7 regional requirement -- or it's my understanding that
8 it was a regional requirement to ensure that there was
9 an understanding or a move into the planning process
10 and an understanding of it.

11 Q. Okay. Now, Mr. Kennedy, could you
12 turn to page 123 of Exhibit 813A, first volume of the
13 statement of evidence, and describe that document and
14 the sort of general messages that it was intending to
15 convey. I understand that we have another large
16 reproduction of that that you would like to put up.

17 MR. KENNEDY: A. Yes, we do.

18 THE CHAIRMAN: Mr. Freidin, so we can
19 properly schedule the next few days, can you give us an
20 indication as to whether or not you anticipate any
21 difficulty in finishing off the direct of this panel by
22 next Thursday, bearing in mind that next week we are
23 going to be sitting Tuesday, Wednesday and Thursday for
24 full days?

25 MR. FREIDIN: I hope not. I am hopeful

1 of completing that examination-in-chief. Mr. Cosman
2 has indicated that he would appreciate me finishing
3 early enough that he can get in his approximately half
4 day of cross-examination because he won't be available
5 the week following Dryden.

6 So I hope to be able to move things along
7 so that that can be accomplished.

8 THE CHAIRMAN: Okay.

9 MR. KENNEDY: I think your Figure 1 on
10 page 123 of Exhibit 813A has its source in the Timber
11 Management Planning Manual as is indicated at the
12 bottom of the page with some additional information
13 that is added to the left-hand side of the page. This
14 figure then is a representation of a table of contents
15 that would be very similar to every timber management
16 plan prepared in the province.

17 The purpose of preparing this figure was
18 to give an indication of how easy it would be for an
19 individual to find some very simple information in a
20 plan and, in some ways, serves as an index on its own
21 as to where people can go to find out particular pieces
22 of information.

23 I think this is helpful to members of the
24 public that would be coming in looking at a plan, it
25 would advise them as to where that information can be

1 found. It also helps an individual that is coming into
2 an area new from outside that may wish to find some
3 information in the plan.

4 And I think it's important to note that
5 every plan in the province is structured in a format
6 similar to this information -- or sorry, structured as
7 per this information and there may be additional
8 information that is provided as well.

9 The main text of the plan that Mr.
10 Multamaki was referring to would cover Items 4.0 to
11 4.14 on this particular -- on this particular page.

12 MR. FREIDIN: Q. And that would be the
13 part of the -- or the plan that he referred to as the
14 main text?

15 MR. KENNEDY: A. Yes, it is. So because
16 of the similarity in all timber management plans, it's
17 possible for an individual to become familiar with a
18 plan, say in Red Lake, and if they happen to be moving
19 to another part of the province, say North Bay, they
20 would be able to take that experience with them and
21 look in another timber management plan to find out the
22 information they were looking for.

23 MR. MARTEL: Can I just ask a question
24 for clarification, Mr. Kennedy. You said 4.0 to 4.14.
25 Is that contained -- I thought we went right to -- is

1 it not right to 4.15(2) the supplementary
2 documentation?

3 MR. KENNEDY: Yes, Mr. Martel, that
4 information would also be with the plan. I was making
5 a small point that the main text of the plan that
6 comprises Book 1 of Reference 818 -- of Exhibit 818,
7 would be comparable to the points 4.0 to 4.14.

8 MR. MARTEL: Thank you.

9 MR. KENNEDY: From my experience, often
10 when people are coming new into a district asking
11 questions as to the kind of activities that are
12 occurring in an area, I often find them asking the five
13 Ws of: Who? What? Where? When? and Why? of activities
14 that are occurring on an area and we thought it would
15 be helpful to try and mesh those questions, those W
16 questions with the contents of a timber management plan
17 and indicate that we always provide a trained staff
18 when there is a request to look at some of the
19 information and that it's very simple for a person on
20 their own even to go through a plan and look for
21 information.

22 For instance, if there is an interest
23 into where the management unit was and a general
24 description of the forest conditions out there, an
25 individual could look under Sections 4.5 and 4.7, the

1 administration and physical description of the
2 management unit itself and the forest description.

3 Again, Mr. Chairman, we are trying to
4 provide an overview of the planning process and an
5 overview of timber management plans themselves in this
6 introduction section. So I think it's -- I'm going to
7 take a few minutes and go through some of these.

8 If an individual was interested in why
9 timber management activities are being conducted. In
10 our case, first of all, there is the purpose of the
11 undertaking but there would be specific objectives that
12 are outlined in Section 4.8 of a timber management
13 plan, management objectives that would be set for that
14 management unit. There would be a description there as
15 to why activities are being undertaken, a description
16 of the kind of renewal activities that would be
17 undertaken would be shown under Section 4.9, the
18 silvicultural groundrules, and we have heard a fair bit
19 of evidence as to the description of those renewal
20 activities particularly in panel -- particularly in
21 Panel 1 on the renewal side and Panels 12 and 13 on the
22 maintenance side and those descriptions for the
23 management unit would be given in that location of a
24 timber management plan.

25 How much, the words in the left-hand side

1 adjacent to table -- or Section 4.10, the maximum
2 allowable depletion, just simplified words to indicate
3 that it's through the maximum allowable depletion
4 calculations, those that were outlined by Mr. Osborn in
5 Panel 3 - and again this panel will be dealing with
6 them in part of Document 2 - an indication of how much
7 activity will be occurring, in this case particularly
8 harvest.

9 You will note the large Section 4.11.
10 4.11 is dealing with many of the forecast tables that
11 are found in a timber management plan. We will be
12 getting into some detail of those and those indicate a
13 combination of items as to when activities will be
14 taking place, and generally that is the five-year
15 level, an indication as to where those activities will
16 occur, and primarily through the maps that Mr.
17 Multamaki discussed, and an indication as to what
18 amount, and that will be presented in tabular form.

19 This is in part the relationship that we
20 were speaking to between the maps, the text and the
21 tables. The text provides a general introduction and,
22 in some cases, a rationale or interpretation of the
23 information that is found both in tabular form and in
24 mapped form.

25 The tables by and large capture and

1 summarize the information that is presented in map
2 form, and I think it would be fair to say that much of
3 the planning exercise occurs around the map/table where
4 the planning of the operations, laying out of roads,
5 the planning of the harvest, harvest pattern as well as
6 those activities of renewal and maintenance occur first
7 in map form and then the resulting numbers are
8 transferred into the tables in a summarized fashion.

9 I think that provides an indication
10 very -- another way of looking at a plan in a
11 simplified form as to what kind of information is
12 presented and an indication that it's easy for people to
13 go from one management unit to another and find out
14 information that may be of interest to them.

15 MR. FREIDIN: Q. Now, Mr. Kennedy, Mr.
16 Multamaki indicated that each plan may not have the
17 same number of volumes as his did, but would address
18 the same subjects. Is it fair or is it true to say
19 that the main text of those subject matters which we
20 see addressed from 4.0 to 4.14, in every plan that you
21 go to you will find the same titles, and those subject
22 matters will be addressed in the same order?

23 MR. KENNEDY: A. That's correct. As I
24 was indicating at the outset, Figure 1 on page 123 of
25 the statement of evidence is in fact a copy of the

1 table of contents out of the Timber Management Planning
2 Manual with some additional information on the
3 left-hand side of the page.

4 What I should point out is that in the
5 title itself in 4.0 there is an indication that it's
6 timber management plan requirements.

7 Mr. Chairman, each one of these subject
8 matters as laid out and in this order are required to
9 be addressed in the preparation of a timber management
10 plan and there is documentation under each one of those
11 subject matters.

12 Q. Now, Mr. Kennedy, as a last matter of
13 business in relation to Document No. 1, I understand
14 that you would like to deal with some of the
15 administrative matters which you believe will be --
16 will take a few moments to deal with - but which you
17 feel will be of assistance to the Board and the parties
18 to move more quickly and expeditiously through Document
19 2 through to Document 7.

20 A. Yes, we do.

21 MR. FREIDIN: Mr. Chairman, just -- it's
22 my suggestion we deal with this last matter and we
23 break for lunch, which should probably take 15 or 20
24 minutes.

25 THE CHAIRMAN: Okay. Today we are going

1 to have to break for an hour and a half. I have some
2 other business that has to be taken care of during the
3 lunch hour.

4 MR. FREIDIN: Okay.

5 Q. Okay, Mr. Kennedy.

6 MR. KENNEDY: A. Mr. Chairman, what I am
7 going to attempt to do is to provide an explanation of
8 the structure of the evidence that we have and how we
9 have taken those nine books that comprise the Red Lake
10 TMP and how we have produced Exhibit 814, the excerpts
11 from the plan itself and provide it to all parties.

12 First of all, what I would like to do is
13 to indicate that we were unable to provide all parties
14 with a complete copy of the Red Lake Crown plan as it
15 would comprise those nine volumes; instead we took a
16 number of other initiatives to try and provide the
17 parties with what we thought would be the most helpful
18 sections out of the plan, as well as the sections that
19 we were going to be covering in evidence throughout the
20 panel and provide them with the sections out of there.

21 And knowing that we were going to file
22 the complete plan in the reading room, we thought it
23 would be helpful for parties to have a complete index
24 to that plan, so on pages 193 to 205 of Exhibit 813A we
25 included a complete index to all books that comprise

1 the Red Lake TMP.

2 So if I could just refer people -- people
3 may wish to go there now and just briefly flip through
4 those pages to see that in fact there is a complete
5 index to all the information that comprises the Red
6 Lake plan.

7 We thought that would be helpful if
8 someone was at a distance and wanted to know a
9 particular piece of information and it's specific down
10 to the individual map sheets that are there and
11 provides the reference numbers that we use to identify
12 each individual map sheet.

13 Q. That is pages 193 to 205?

14 A. That's correct. Now, in trying to
15 condense that into a volume that we could provide all
16 parties, the idea developed to provide people with
17 excerpts from those books that we would be addressing.

18 If I could now ask people to turn to
19 Exhibit 814, Reference 3A, the white bound excerpts
20 from the Red Lake plan and refer to the second page in,
21 which is titled: Index to Excerpts from the Red Lake
22 Plan.

23 Q. This is the second page -- there is
24 no number on that page.

25 A. That's correct, there is no number on

1 this page, it's the second page in after the cover.

2 What we have done is extracted then out
3 of the books those pages that we thought were most
4 helpful to the parties and those pages that we will be
5 dealing with in some evidence. So from the complete
6 set of volumes we have information from Book 1, from
7 Book 5, Book 6 and Book 7.

8 Now, Mr. Chairman, during our preparation
9 of evidence and discussing with other staff members
10 that were using the statement of evidence, we found
11 some confusion on this matter as to the extracts from
12 the various books. The confusion arises because each
13 book is numbered separately, so that it has a
14 stand-alone index for each book and, consequently, in
15 the excerpts we have several duplicate page numbers,
16 however, they are from separate books.

17 To assist people in the understanding --
18 sorry, not in the understanding, but to assist people
19 in the organization of their paper, we have provided
20 some address labels that we have prepared as tabs that
21 can be used to index each volume that you have and my
22 panel members, with great glee, suggested I go through
23 a demonstration as to how these can be used.

24 First of all, I should indicate that on
25 the sheets that have been handed out that there are

1 sufficient tabs to tab each one of the documents in
2 Panel 15, so Documents 1 through 7, but the tab that I
3 would like people to go to first is the one that talks
4 about Index Reference A and that matches the sheet that
5 is the second page in.

6 And if you were to gently peel off the
7 label - and I am not suggesting we go through a
8 demonstration for each and every one of these - but
9 align the solid line on the left with the edge of your
10 page and if you are very careful you can fold on the
11 dotted line and have the address label stick to itself
12 and under the subsequent page and become a very
13 interesting way of tabbing your book.

14 And, Mr. Chairman, I thank you for your
15 indulgence in that matter, but I will advise you that
16 as we start going from book to book it will be somewhat
17 difficult to follow along and the way that the panel
18 members will be addressing the references will be to
19 refer to the book number first and then the page
20 number.

21 MR. FREIDIN: For those who are all
22 thumbs like we were when we did this the first, second
23 and third time we have extra copies of the tabs.

24 MR. KENNEDY: Again, Mr. Chairman, we do
25 hope that during this Document 1, the introduction to

1 the panel, we can get some of these administrative type
2 matters out of the way and the balance of the panel
3 will flow quite smoothly.

4 THE CHAIRMAN: Mr. Martel managed to do
5 two pages under the same tab.

6 MR. FREIDIN: I'll give you an extra
7 copy.

8 MR. MARTEL: I just tore the corner off.

9 THE CHAIRMAN: How many years of
10 university do you need to really do this properly, Mr.
11 Freidin?

12 MS. BLASTORAH: I think you have to be a
13 professional forester.

14 MR. KENNEDY: Mr. Chairman, I would also
15 like to advise at this time that the Red Lake Crown
16 plan is our main example that we are using to
17 demonstrate the application of the plan process and to
18 also demonstrate the kind of information and the format
19 that it is -- the results of that planning process are
20 recorded in.

21 But we will be using other examples from
22 a variety of plans produced across the province and we
23 will be using those in several sections of Panel 15
24 evidence and we will make you well aware of those when
25 we are going to bring them forward.

1 The last two items that I had on the
2 overhead as we started into the introduction to timber
3 management planning was an effort to ensure that all
4 people had the relevant copies of the documentation and
5 that they were -- that they did have their revised
6 pages as there has been some revisions, and I thought
7 it would be helpful if we went through now to be sure
8 that we are all speaking from the same material.

9 And the first document that I would like
10 to deal with is Exhibit 4, the Class EA itself, and I
11 would like to indicate that there has been three
12 revisions to this particular document and that is after
13 the amendment that occurred in June of '87.

14 The first revision that occurred was a
15 revision to the FRI description. That revision was
16 filed very early at the hearings and was contained
17 within Exhibit 5A. Because Exhibit 5A contained a
18 number of other pieces of information, we thought it
19 would be helpful for the parties if we were to
20 reproduce that information and we did so in the
21 statement of evidence, Exhibit 813A, and that can be
22 found on page 207 to 212. So you may wish to make a
23 note on page 207 that this has been previously filed as
24 part of Exhibit 5A.

25 The second revision that occurred to

1 Exhibit 4, the Class EA, deals with the amount of --
2 excuse me, the number of days of notice that are given
3 prior to information centres. That information was
4 conveyed to all parties at the time the statement of
5 evidence for Panel 15 was mailed, which is by letter
6 form dated February the 2nd, 1989, and this has not
7 been submitted as an exhibit previously and I would
8 suggest we do so at this time.

9 MR. FREIDIN: Q. And I believe the
10 letter that I have, Mr. Kennedy, also is going to deal
11 with the third revision which deals with Appendix 3 of
12 Exhibit 4?

13 MR. KENNEDY: A. There is yet another
14 revision that we'll be speaking to in just a moment.
15 Yes, the letter does refer to several revisions. I
16 thought perhaps after we handed out the letter we would
17 speak briefly to that letter.

18 MR. FREIDIN: All right. The exhibit
19 then will be a letter February the 2nd, 1989 from
20 Kathleen Murphy to the list attached.

21 MR. FREIDIN: (handed)

22 THE CHAIRMAN: Thank you. Exhibit 819.

23 ---EXHIBIT NO. 819: Letter dated February 2, 1989
24 from Kathleen Murphy to list
25 attached re: revisions to EA
Document.

1 MR. KENNEDY: Mr. Chairman, then, if I
2 could just highlight some of those revisions. The
3 topic that's being discussed is the timing of the
4 issuance of public notices for information centres and
5 the change that is occurring is to allow at least 30
6 days prior to the holding of an information centre and
7 the subject matter the letter outlines, those pages and
8 lines of the Exhibit 4 which should be changed, as well
9 as provides two new figures that can be inserted into
10 your Exhibit 4; those figures being 2.1-2 which is page
11 155 of Exhibit 4 and is attached to that letter that we
12 spoke of, and a second figure which is from Appendix 3
13 of Exhibit 4, page 6, which is Figure III, that's three
14 in Roman numerals, -1.

15 MR. FREIDIN: We didn't have to bring a
16 tab for this purpose, but I think having regard to this
17 particular panel it would be useful for the parties to
18 tab Appendix 1, 2 and 3 of the Environmental Assessment
19 Document because we will be going back to them
20 repeatedly.

21 MR. KENNEDY: Mr. Chairman, I spoke that
22 there was a third revision to Exhibit 4. I am to
23 advise you that that third revision is actually a
24 revision to the revised Figure III-1. That has not
25 been made available to the parties previously, it's a

1 correction to an incorrect description of a public
2 consultation phase and we would like to file that now
3 as a separate exhibit.

4 THE CHAIRMAN: I'm back with the other
5 exhibit. Just a moment.

6 MR. FREIDIN: There may be some confusion
7 in the III-1 which is the last page of Exhibit No. 819
8 and the document that I'm now giving you is the
9 correction.

10 Perhaps you could just repeat it.

11 MR. KENNEDY: The document that Mr.
12 Freidin is now filing is a -- now a replacement page
13 for the last page that was included as part of Exhibit
14 819.

15 THE CHAIRMAN: So, Mr. Freidin, do we rip
16 up this Exhibit 819 to actually put it in the book or
17 how do you want us to --

18 MR. FREIDIN: Well, I think the one that
19 should be in the book and the one we will be working
20 from is the document which is going marked Exhibit 820.

21 If you want to have a record of the
22 revisions which occurred prior thereto, I would suggest
23 you leave the last page of Exhibit 819 there and
24 perhaps put a line across it and indicate it is
25 superseded or something. But if you have want to have

1 a historical look at how that chart changed, you should
2 retain that copy.

3 THE CHAIRMAN: I guess what I am asking
4 is: Can we also insert in our binders of Exhibit 4 the
5 new page, for instance, Figure 2.1-2?

6 MR. KENNEDY: Yes, Mr. Chairman. It has
7 been designed with that in mind of putting into your
8 binder. You will note that at the bottom right-hand
9 corner there is a revision date on it and I believe it
10 can serve as a replacement page.

11 THE CHAIRMAN: Well, is there a major
12 specific change on that table or could we just write in
13 on the --

14 MR. KENNEDY: Yes, that's another option.
15 On each figure there is one minor change.

16 THE CHAIRMAN: Let's start with 2.1-2,
17 what is the change on that one?

18 MR. KENNEDY: If you were looking at the
19 original page 155 in Exhibit 4 and if you were to look
20 at the middle column under the title: Schedule, and if
21 you were to count down two public notices, under the
22 second public notice you would see the item '15 days'.
23 The revision is to change that to '30 days'.

24 THE CHAIRMAN: Is that the only change?

25 MR. KENNEDY: Yes, that's the only change

1 on that page other than on the revised page there is a
2 new date at the bottom right-hand side.

3 If you were looking in Exhibit 4 at the
4 next figure, which is in Appendix 3, page 6, and is
5 titled Figure III-1, and again looking in the centre
6 column under the heading: Schedule, this time counting
7 down the first time the public notice occurs, you will
8 find the words 'normally 15 days'. That has now been
9 replaced with the words '30 days'.

10 Now, if you were to keep that page open,
11 the revision -- the last revision that we are making
12 today of the Exhibit 4 is also on that page and that
13 deals with the subject that is dealt with under the
14 left-hand side column, Public Consultation Phase, and
15 the second part or the bottom left-hand corner of the
16 page where it talks of public -- excuse me, where it
17 reads: "public review of approved program...", the
18 word 'review' should be struck and replaced with
19 'inspection'.

20 THE CHAIRMAN: Okay. Are we going to
21 give this last revision, September, '89, a separate
22 exhibit number, Mr. Freidin, or do you want to make it
23 all part of 819?

24 MR. KENNEDY: Mr. Chairman, because of
25 the dates in which the information was sent to the

1 parties, one being February the 2nd, for 819 and today
2 being September, I would suggest they are given
3 separate exhibit numbers.

4 THE CHAIRMAN: Okay. Exhibit 820.

5 MS. SWENARCHUK: Mr. Chairman, can you
6 read your description of Exhibit 820?

7 THE CHAIRMAN: Figure III-1, Schedule:
8 Insect Disease Pest Control Program.

9 MR. FREIDIN: September, 1989 revision.

10 THE CHAIRMAN: That's at the bottom; is
11 it not?

12 MR. FREIDIN: I think with the
13 description if it could say September 1989 revision so
14 again when we go back to the list of exhibits we will
15 know a little bit more information as to what it is.

16 MS. SEABORN: And, Mr. Freidin, the only
17 difference is the word inspection?

18 MR. KENNEDY: That is correct.

19 MS. SEABORN: Thank you.

20 ---EXHIBIT NO. 820: Revision to page 6, Appendix 3,
21 Exhibit No. 4 entitled: Figure
22 III-1, Schedule: Insect Disease
Pest Control Program dated
September, 1989.

23 MR. FREIDIN: Q. Okay, and what's -- I'm
24 sorry. And what's the next administrative matter of
25 business, Mr. Kennedy?

1 MR. KENNEDY: A. Yes. The next matter
2 is to discuss the revisions to the Timber Management
3 Planning Manual. This is less complicated, I believe.

4 The point that I would like to make here
5 is that at the time of filing of Exhibit 7, the Timber
6 Management Planning Manual, there was a number of
7 revisions that were filed with it and I just wanted to
8 advise the parties that we will be using those revised
9 pages.

10 We refer to them as the blue pages and
11 there is a register that I believe was filed with the
12 exhibit at that time. I have not brought extra copies
13 with us today, but I'm just indicating that we can
14 provide copies upon request if that becomes necessary
15 and to advise the parties that you will be requiring
16 those revised pages through the balance of the panel's
17 evidence.

18 MR. FREIDIN: Does the Board have copies
19 of those?

20 THE CHAIRMAN: Well, we have a pile of
21 blue pages.

22 MR. FREIDIN: That will be -- and perhaps
23 you can just hold up what the front page looks like,
24 the register that you referred to.

25 MR. KENNEDY: Yes. The register is

1 simply -- I will hold it up here and indicate that the
2 register provides a number, date, indication of the
3 section or table that was revised, the page number that
4 that information is found on, and then there is a
5 column that is entitled: Entered By to allow
6 individuals to keep their Timber Management Planning
7 Manual current.

8 I should also advise that in this case
9 there has been two sets of revisions provided to that
10 exhibit -- or excuse me, two sets of revisions provided
11 for that manual and I believe they were filed together
12 at the time the exhibit was put in, those revisions
13 being: April 30, 1987 as one set and a second set
14 that's dated February the 15th, 1988.

15 And, again, if the parties are missing
16 those we can provide copies.

17 THE CHAIRMAN: Does the last page, Mr.
18 Kennedy, of the blue pages end with Table 6.4.2?

19 MR. KENNEDY: Yes, it does.

20 THE CHAIRMAN: Thank you.

21 MR. FREIDIN: Mr. Chairman, Ms. Seaborn
22 has made a suggestion to me, it's something that I have
23 done that's helped me deal with the document, is I have
24 taken those revision pages and have inserted them right
25 in the document but leaving -- but have left the old

1 pages there, again, so you can compare old to new.
2 Sometimes it makes it easier as you are going through.

3 So that's just a suggestion as to
4 something that's worked for Ms. Seaborn and myself.
5 Anyway...

6 THE CHAIRMAN: It could be one of Mr.
7 Mander's last official acts of this hearing.

8 MR. FREIDIN: Well, I have a lot of
9 things he could do.

10 MR. KENNEDY: And the last document that
11 I would like to ensure that all parties have the
12 correct information on is the -- is Exhibit 814, the
13 Red Lake Crown Plan, the excerpts.

14 What we have failed to provide with the
15 excerpts when we originally put it out was an errata
16 sheet of several pieces of information that have come
17 to our attention during the preparation of evidence.
18 So we would like to file that now, an errata sheet for
19 the Red Lake Crown Timber Management Plan.

20 THE CHAIRMAN: Exhibit 821.

21 ---EXHIBIT NO. 821: Errata sheet for the Red Lake
22 Crown Timber Management Plan.

23 MR. FREIDIN: Perhaps if Mr. Mander is
24 listening, Mr. Kennedy and the rest of the panel
25 members and I were sorry we couldn't attend the do last

1 night down the street but we were all helping Mr.
2 Kennedy prepare his evidence in relation to the tabs.

3 MR. KENNEDY: And the last thing I would
4 like to indicate to the parties and to the Board is
5 that we will be referring to the terms and conditions
6 throughout the evidence of Panel 15. We would
7 encourage you to bring copies of MNR's drafts terms and
8 conditions which were previously filed as Exhibit 700.

9 MR. FREIDIN: Mr. Chairman --

10 Q. I think that's the end of that; isn't
11 it, Mr. Kennedy?

12 MR. KENNEDY: A. Yes, that concludes the
13 evidence in relation to Document 1.

14 However, I did have one administrative
15 matter I was hoping that I might take a minute and ask
16 the Board's indulgence on it, that's to indicate --
17 remind the counsel for the other parties that this
18 evening we are having the session that will deal with
19 the results of the clearcut exercise and we have made
20 arrangements to use the Bertrand Room at the opposite
21 end of the hallway here starting at 6:00 p.m.

22 And I know there has been some eager
23 anticipation of seeing the results of that exercise
24 that began last May and, fortunately, we have the
25 information now to present to the parties.

1 MR. FREIDIN: Well, Mr. Chairman, I thank
2 you for your patience in dealing with those
3 administrative matters and hopefully it will move
4 things along more expeditiously.

5 THE CHAIRMAN: Okay. We will rise for
6 lunch until 2:30, please. Thank you.

7 ---Luncheon recess taken at 12:00 p.m.

8 ---On resuming at 2:30 p.m.

9 THE CHAIRMAN: Be seated, please. Thank
10 you.

11 ---Discussion off the record

12 THE CHAIRMAN: Just a moment. We are
13 looking for Book 7--

14 MR. FREIDIN: All right.

15 THE CHAIRMAN: --in Exhibit 814.

16 MR. FREIDIN: All right.

17 THE CHAIRMAN: I found it a minute ago
18 but I have lost it.

19 MR. FREIDIN: All right. Do you have
20 Book 6? Do you have a tab?

21 MR. MARTEL: Yes.

22 MR. FREIDIN: All right. It starts
23 off -- this is the last document, go through until you
24 see 121 printed in the top right-hand corner, it's the
25 last document -- the last page of Document 6. We don't

1 have 100 to 121, we just have excerpts from Book 6.
2 The last page is a map that looks like this, 121.
3 (indicating)

4 MR. MARTEL: All right.

5 THE CHAIRMAN: All right. He found his,
6 I have lost mine again. I found mine so I know it's in
7 there.

8 MR. FREIDIN: All right. And just
9 perhaps while we are there, if you had taken the time
10 to go through that particular exhibit you will note
11 that on Tab No. 5 at the first page it says pages 107
12 to something, those are the actual page numbers out of
13 Book No. 5. So if you went back to the actual exhibit
14 that's what you would find.

15 THE CHAIRMAN: Mr. Mander hasn't tabbed
16 my book yet.

17 MR. FREIDIN: Don't let him go until he
18 does.

19 MR. MARTEL: He will miss his plane.

20 MR. FREIDIN: Okay. Now, we are now
21 going to get into Document No. 2 which begins on page
22 132 of Exhibit 813A which is the first volume of the
23 statement of evidence, and you will see that the index
24 goes on for three pages and in fact, therefore,
25 Document No. 2 is composed of 13 parts.

1 The document is entitled: Preparing a
2 Timber Management Plan, and I can I think advise you,
3 Mr. Chairman, that this particular document will be the
4 one which will take us the longest period of time to
5 get through and to deal with in evidence-in-chief.

6 Q. And I would like to begin by asking
7 Mr. Kennedy if he could provide the Board with a brief
8 overview of the entire Document No. 2. For that
9 purpose, I understand you have a slide, Mr. Kennedy?

10 MR. KENNEDY: A. That's correct.

11 MR. FREIDIN: I have hard copies of that.

12 (handled)

13 THE CHAIRMAN: Thank you. Exhibit 822.

14 ---EXHIBIT NO. 822: Hard copy of slide entitled:
15 Preparing a Timber Management
 Plan.

16 MR. FREIDIN: Q. Okay, Mr. Kennedy.

17 MR. KENNEDY: A. Exhibit 822 provides an
18 overview then of the information that will be presented
19 in relationship to Document No. 2 which is: Preparing
20 a Timber Management Plan.

21 We will be providing details of how the
22 plan is prepared up until the time that the plan is
23 submitted for review. We will be describing it through
24 a series of steps or components. As Mr. Freidin has
25 indicated, there are 13 of them. We have broken those

1 up by subject matter for the purposes of discussing
2 them here at the hearing and I'd just remind you that
3 they are of iterative nature and some of them are
4 occurring simultaneously, and for each of those
5 components we will be providing a general description
6 of what is occurring at that particular stage in the
7 preparation of the plan.

8 We will be referring to the actual
9 technical documents, and by that I mean the Timber
10 Management Planning Manual and the Class EA, Exhibit 7
11 and 4, where the accurate details are outlined as to
12 the manner in which the tables are filled out or the
13 particular subject is handled, and for almost all
14 sections we will providing an example from a timber
15 management plan and the majority of those are from the
16 Red Lake plan.

17 We intend to discuss the old and new
18 planning processes in the appropriate portions of the
19 document and follow-up at the end with a summary of
20 those old and new, as I indicated this morning, and
21 throughout the discussion of Document 2 we will be able
22 to cover the planning access -- sorry, the planning
23 aspects of access, harvest, renewal and maintenance --
24 excuse me, renewal and tending. The maintenance
25 aspects of protection will be dealt with in Document 6

1 and 7 later during the evidence of this panel.

2 Q. Now, if we can move then to Part 2 of
3 Document 2 which begins on page 138 of the statement of
4 evidence, it is entitled: Administrative Steps in
5 Public Consultation, and what are the subject areas
6 that this particular part of the document is going to
7 address, Mr. Kennedy?

8 A. Well, again, we've provided --
9 prepared an overhead just to provide an overview of
10 that section and perhaps I will wait until you are able
11 to file that and...

12 MR. FREIDIN: (handed)

13 THE CHAIRMAN: Thank you. Exhibit 823.

14 ---EXHIBIT NO. 823: Hard copy of slide entitled:
15 Administrative Steps in Public
Consultation.

16 MR. KENNEDY: This particular part of the
17 evidence will be dealt with by Mr. Bisschop and Mr.
18 Multamaki as well as myself and the subject matters it
19 will be dealing with here are the appointment of the
20 planning team, the terms of reference for that planning
21 team, the schedule for the production, review and
22 approval of a timber management plan, the start of the
23 supplementary documentation files, and we will also be
24 discussing the beginning of the public consultation
25 phase.

1 MR. FREIDIN: Q. I understand that you
2 are going to deal with the first subject matter in
3 terms of the appointment of a planning team?

4 MR. KENNEDY: A. Yes. In relation to
5 the appointment of a planning team -- we do intend to
6 be brief on this subject because there has been a
7 considerable amount of evidence given throughout a
8 number of panels of how planning teams are -- how they
9 do function in the preparation of a plan and how they
10 take place at the district office. So we will be quite
11 brief here.

12 By way of capturing some of that evidence
13 then is that at the outset of the planning process is
14 there is an appointment of a multi-disciplinary
15 planning team and that appointment occurs by the
16 district manager of the appropriate district and
17 representatives from within the district, and if the
18 management unit for which the plan is being prepared
19 overlaps into adjacent districts, it's common practice
20 to have a representative for those districts also
21 appear on the planning team.

22 The planning teams then compromise
23 members from most of the disciplines within Natural
24 Resources and also it's possible to have individuals
25 involved from other Ontario Government ministries such

1 as the Ministry of Tourism and Recreation who would be
2 involved as advisors to the planning team.

3 We've also had a more recent addition to
4 our advisors list and that is that representatives from
5 companies are now being welcomed to participate as
6 advisors on those plans that are prepared by the Crown,
7 and --

8 THE CHAIRMAN: Mr. Kennedy, is there a
9 distinction between advisor and member in terms of
10 voting power?

11 MR. KENNEDY: Well, Mr. Chairman, first
12 of all, the planning team members don't vote on issues,
13 but there is a distinction that we make between full
14 members and those that are there acting as advisors,
15 and the distinction would be along the lines of: The
16 individuals that are full members are those that are
17 responsible for making the decisions, and the advisors
18 are there in an advisory capacity.

19 THE CHAIRMAN: Well, in making the
20 decisions, you mean that the ultimate decision is up to
21 the district manager, but whatever discipline it is,
22 say the wildlife biologist, are you indicating that he
23 would be responsible for essentially making the
24 decision in that area dealing with wildlife?

25 MR. KENNEDY: Ultimately the decision

1 would be made by the district manager. The individual,
2 say as you indicated in the wildlife situation, would
3 be bringing forward the best information relative to
4 the science on that particular matter that was being
5 discussed, but the decision overall on the planning
6 team and the direction they take on the plan would
7 be --

8 THE CHAIRMAN: So whatever decisions you
9 were talking about are the decision-making power that
10 members would have other than the district manager?

11 MR. KENNEDY: Simply using it in a very
12 loose sense to include anything from selecting
13 individual stands in an area through to development of
14 silvicultural groundrules and the outlining of a
15 particular practice to occur on that piece of
16 geography, right through to the manner in which the
17 planning team would deal with public responses, items
18 of that nature.

19 THE CHAIRMAN: Is it very much conducted
20 in an atmosphere of - I don't know what the term other
21 than the legal term would be - curio deference to the
22 area in which that person's discipline is?

23 In other words, if the wildlife biologist
24 came in with his recommendations, is there a sense
25 amongst the planning team that since that is his area

1 of expertise - although we can input into the
2 decision - unless somebody has strong objections, that
3 would probably be the types of decisions dealing with
4 wildlife that would be made?

5 MR. KENNEDY: I would say generally, yes,
6 and I would caution, in that decisions are very
7 seldom -- or certainly more important decisions that
8 are made in the -- perhaps if there is a conflict
9 situation, are seldom black and white and very seldom
10 rely on the advice of any one particular individual.

11 So I would say generally that the answer
12 is yes, that the evidence or the information brought
13 forward by these specialists would be relied upon in
14 that particular field, but there may be external
15 factors that would cause that to be --

16 THE CHAIRMAN: All right.

17 MR. KENNEDY: Their decision to be taken
18 with other information in mind and may differ from
19 their recommendation.

20 MR. FREIDIN: Q. Mr. Kennedy, can you
21 give some insight as to the rationale behind having a
22 representative from the company added to the advisory
23 list?

24 MR. KENNEDY: A. Yes. Recently MNR was
25 asked if company representation on planning teams, even

1 for plans that are prepared by the Crown, as a result
2 simply the fact that it's the industry that is the
3 receiver of the wood that is generated from Crown
4 management units, they are the consumer, if you will,
5 and, therefore, it was felt that it was important to
6 include them in the planning team discussions where
7 they could bring first-hand information on the nature
8 of the materials that they see fit for their particular
9 operations, as well as to provide insight into factors
10 such as economics of certain practices that may be
11 being discussed at the team meetings and allow them to
12 up front, during the planning stages, have an
13 opportunity to advise the team on the, I'd suggest the
14 impact of their decisions on the forest industry and
15 thought it would be very helpful to have that up front
16 during the discussions in the multi-disciplinary
17 setting as opposed to occurring at some future time.

18 Q. And in terms of the company receiving
19 wood from units where the Crown prepares the plan,
20 those are Crown management units, I take it?

21 A. That's right.

22 Q. That the company can receive the wood
23 either from independent harvesters - that is
24 independent of the company - but, in some cases, the
25 company itself may hold a licence to harvest on that

1 Crown management unit?

2 A. That's right. There would be
3 individuals that are owners of wood processing plants
4 that may not be engaged in the harvest of the wood, and
5 there are others that are in the situation of both
6 engaged in the harvest as well as owning processing
7 plants.

8 And, Mr. Chairman, since that is a
9 relatively new initiative that MNR has undertaken and,
10 as a result of that, we have included it in our terms
11 and conditions. And if I could refer you to Exhibit
12 700, condition No. 1 which deals with the Planning
13 Teams, I will read that condition into the record:

14 "At the MNR District level, timber
15 management plans shall be prepared under
16 the supervision of a professional
17 forester by multi-disciplinary planning
18 teams. Planning teams shall include
19 representatives of the various programs
20 of the Ministry of Natural Resources.
21 When the District Manager, in
22 consultation with other government
23 ministries and agencies, identifies
24 matters of specific interest to them
25 which will be addressed in the timber

1 management plan, representatives of those
2 ministries and agencies will be invited
3 to act as advisors to the planning team.
4 For company-prepared plans, the forest
5 company shall be represented on the
6 planning team. For Ministry-prepared
7 plans, the District Manager may invite
8 representatives from forest companies
9 operating on the forest management unit
10 to act as advisors to the planning team."

11 Q. Now, Mr. Kennedy --

12 MR. MARTEL: That is 'may' and not
13 'shall'?

14 MR. KENNEDY: That is correct, Mr.
15 Martel.

16 MR. MARTEL: Discretionary.

17 MR. KENNEDY: Yes. And the reason for it
18 being discretionary is that on some management units
19 there is no single large licensee and it may not be
20 appropriate to have a representative present there at
21 the table.

22 This is geared more to those management
23 units -- those Crown management units where there are
24 one or more large licensees operating on the unit.

25 THE CHAIRMAN: Mr. Kennedy, for

1 company-prepared plans, is it not the company forester
2 that has the primary responsibility to prepare the plan
3 and, therefore, the company would be represented in
4 that way?

5 MR. KENNEDY: That's correct.

6 MR. FREIDIN: Q. And perhaps just in
7 that regard, when in fact it's a company-prepared
8 plan - an example being for a forest management
9 agreement forest - is there a member of the Ministry of
10 Natural Resources on that planning team,
11 notwithstanding the company forester has the prime
12 responsibility for authoring the plan?

13 MR. KENNEDY: A. Yes. The bulk of the
14 members of the planning team would be comprised of
15 Ministry of Natural Resources' staff who would be
16 bringing to the table -- bringing information relative
17 to their various areas of discipline.

18 Q. And would there be a representative
19 on such a planning team representing the forestry
20 branch, forest resources group of the Ministry of
21 Natural Resources?

22 A. Yes. It's also common to have -- I
23 believe in every case to have a Ministry forester
24 present on those planning teams as well as the forester
25 or the company representative that is there.

1 Q. And I understand that the
2 representative in those sorts of situations is referred
3 to as the designated Crown representative?

4 A. Yes. In the case of forest
5 management agreements, the Crown employee would be the
6 designated Crown representative.

7 Q. And when we get to plan review and
8 approval, Mr. Fleet, I understand that all of the plans
9 which are prepared have to be approved by the Ministry
10 of Natural Resources regardless of who has authorship
11 responsibilities?

12 MR. FLEET: A. Yes, that's correct.

13 Q. Thank you.

14 THE CHAIRMAN: Just one quick question.
15 Mr. Kennedy, if the MNR forester is part of the
16 planning team as well as other disciplines from MNR -
17 this is on a company-prepared plan where the primary
18 responsibility is the company forester - by the time it
19 gets up to the approval stage of the district manager
20 will, because of the makeup of the planning team, the
21 plan have in effect MNR sanction although not approval
22 of the district manager?

23 In other words, this MNR forester was
24 part of the whole exercise as it was being developed
25 and by the time you get around to approval presumably

1 MNR, with the exception of the district manager who may
2 ultimately approve it, is sort of on side; would that
3 be the case?

4 MR. KENNEDY: That's a fair
5 representation of what is expected to occur, yes.

6 MR. MARTEL: Is there more than the
7 forester on the team -- if a company doesn't have a
8 biologist, would there be a forest -- someone from MNR
9 or is there a MNR biologist on the team for an FMA?

10 MR. KENNEDY: On management plans that
11 are prepared for an FMA area, the MNR individuals would
12 still be there on that multi-disciplinary planning team
13 and MNR would be providing an individual to represent
14 the fish and wildlife side of things, the biology side
15 of the information that is necessary to prepare the
16 plan.

17 MR. FREIDIN: Q. And two questions
18 arising out of that, Mr. Kennedy. We were talking
19 about a forest management agreement forest where you
20 have a designated Crown representative.

21 Where the company has authorship
22 responsibility for the plan because it's a company
23 management unit, in those situations is there also a
24 representative of the Ministry in relation to forestry
25 and the other disciplines?

1 MR. KENNEDY: A. Yes. Again, in all
2 cases for all three types of management units there is
3 a multi-disciplinary planning team formed to prepare
4 the plan for all three types of units.

5 On the company management unit there
6 would be a unit forester that is employed by the Crown
7 as a representative on that planning team as well as
8 the other representatives from the other disciplines.

9 Q. And can you advise: Does that
10 company -- that unit forester have any sort of
11 continuing relationship in relation -- regarding what
12 happens on that company unit apart from representing
13 the Crown during the preparation of the timber
14 management plan?

15 A. Yes. That unit forester is the
16 individual that is assigned within Natural Resources or
17 employed for the specific purpose of being responsible
18 for that management unit on the -- for the Crown.

19 That individual would have ongoing,
20 day-to-day activities involved with both the company on
21 matters such as administering the licensing end of the
22 program as well as being involved in the -- or sorry,
23 being responsible for the renewal activities that take
24 place on that particular area, as well as coordinating
25 in some fashion the efforts of the other disciplinary

1 planning team members to ensure that there is a timely
2 input of information to the company-prepared plan.

3 Q. All right. And in terms of a
4 designated Crown rep who gets involved with the
5 preparation of the plan for forest management agreement
6 forests, does that individual have a continuing
7 involvement, again with that particular forest or that
8 particular management unit over and above being
9 involved in the preparation of the timber management
10 plan?

11 A. Yes. In a similar fashion, that
12 individual is the individual that is hired by the Crown
13 to provide that ongoing continued day-to-day contact
14 with the company staff, implementing -- assisting them
15 in implementing their operations on the area.

16 In the case of an FMA forest, those
17 individuals would not be involved as directly in the
18 silvicultural end of things, the renewal end of the
19 program as that responsibility rests with the company,
20 but there certainly is an ongoing relationship that is
21 there between the designated Crown rep and the unit
22 forester with their respective counterparts for
23 company-prepared plans.

24 MR. MARTEL: Would the forester -- the
25 company -- the designated rep, would he be an observer

1 of what the forester for the company was doing with
2 respect to renewal and maintenance, or who is the
3 observer there to ensure that the work that was
4 designated to the company forester in fact is being
5 adhered to?

6 MR. KENNEDY: Okay. Mr. Martel, you are
7 referring to forest management agreements in this case?

8 MR. MARTEL: Yes, in the FMAs.

9 MR. KENNEDY: In the case of forest
10 management agreements the responsibility for the
11 renewal is left with the agreement holder, the company
12 forester, and it would be the responsibility of the
13 planning team as a whole to ensure that the company is
14 putting forward a plan that is able to be accepted,
15 approved by the Ministry, but it would be specifically
16 the designated Crown rep's responsibility on that
17 planning team to ensure that the company is using
18 appropriate silvicultural techniques to ensure adequate
19 renewal.

20 Quite clearly, the responsibility for
21 those renewal activities in the field rests with the
22 forest company.

23 MR. FREIDIN: Q. If I could just ask you
24 one question following along from I think a question
25 from the Chairman asking what the effect might be of a

1 plan which gets sent up to the district manager for
2 formal approval when, in fact, there is a company
3 forester authoring the plan and also a representative
4 of the Ministry sort of from the forestry side of
5 things.

6 Does the process have any provision
7 for -- or can you give the Board any sense of what
8 might occur where there might be a disagreement between
9 the company forester and the Ministry forester in such
10 a situation?

11 MR. KENNEDY: A. Although -- yes.
12 Perhaps it first would be wise to say that I believe
13 you are assuming that the district manager is not
14 present on the planning team in that situation?

15 Q. Yes.

16 A. Or I will make that assumption. And
17 in a situation like that, although the district manager
18 may not be present on the planning team, because the
19 manager is responsible ultimately for the activities
20 that occur within the district, they are an ex officio
21 member of the planning team and if a situation arose
22 where there was a conflict between or a professional
23 difference of opinion between two foresters or indeed a
24 difference of opinion between two planning team
25 members, if they were unable to resolve it during the

1 planning team setting, then disagreements such as that
2 would be brought to the district manager's attention
3 who would provide a direction on which to -- what to do
4 in that situation.

5 Now, that direction I would suggest would
6 come as a result of consultation with those involved on
7 the planning team, as well as seeking outside advice
8 from individuals, I would suggest both on the company
9 side of affairs as well as on the Natural Resources
10 side of affairs and, logically, would go to our
11 regional office or our main office to provide
12 particular technical details in the subject matter
13 being discussed.

14 Q. Thank you. Are the roles and the
15 responsibilities of the individual planning team
16 members available in a written form?

17 A. Yes, they are. We have just been
18 discussing some of the kind of duties that you would
19 expect to see a member of the planning team undertake,
20 and what we require of the planning teams is to prepare
21 a terms of reference. It is one of the first things
22 that the planning team does, they develop a terms of
23 reference which does outline the duties, roles and
24 responsibilities of each member.

25 For example, it would outline such things

1 as ensuring that the individual from a particular
2 discipline clearly understands his role or her role in
3 providing pertinent information on the particular area
4 and the level of detailed information that would be
5 required, as well as the timing of when that
6 information would be expected to be brought forward to
7 the planning team so that it can be used at the
8 appropriate time during the preparation of the plan.

9 Q. Mr. Multamaki, was there a planning
10 team with terms of reference for the Red Lake Timber
11 Management Plan that has been filed as an exhibit?

12 MR. MULTAMAKI: A. Yes, there was a
13 planning team appointed for the Red Lake Crown
14 Management Unit Timber Management Plan preparation and
15 there was a terms of reference prepared. If you turn
16 to page 108 of Book 5--

17 MR. FREIDIN: You notice how well these
18 tabs work?

19 MR. MULTAMAKI: --in Exhibit 814, you
20 will see that it is the terms of reference.

21 MR. FREIDIN: Q. Terms of reference are
22 at page 108?

23 MR. MULTAMAKI: A. 108, that's correct,
24 that's of Book 5.

25 THE CHAIRMAN: Go ahead.

1 MR. FREIDIN: Oh, okay.

2 MR. MULTAMAKI: If you look down under
3 Section A after the first two paragraphs, you will
4 notice that there are a number of disciplines with
5 names assigned to it.

6 These are individuals that were assigned
7 by the district manager to be members of the planning
8 team for the Red Lake Crown Management Unit. This was
9 done in effect through a memorandum to the regional
10 director from the district manager.

11 And if you look at those names under
12 Section A: The management team co-ordinator was from
13 Forest Management, it was myself, H. Multamaki; Fish
14 and Wildlife representative, G. English; Lands and
15 Parks representative was P. Pincombe; Engineering
16 Services representative, D. Larking; Fire Control
17 representative, Don Pento; and Mining and Exploration,
18 Scott Rivett.

19 Excuse me. In this case the DM had
20 appointed the branch supervisors to ensure that all of
21 the disciplines had been represented on the planning
22 team.

23 Just as a comment, the Mining and
24 Exploration representative, Scott Rivett, was in fact
25 at that point in time Ministry of Northern Development

1 and Mines as that ministry was in the process of
2 changing over from Natural Resources and, in effect, it
3 was a carry over from his existing responsibilities,
4 and should this plan had been reprepared or had been
5 done again, I would expect that he would be in an
6 advisory capacity.

7 As well, if you -- the terms of reference
8 themselves contain a great deal of listing of
9 responsibilities and so on.

10 Just quickly covering a few items. You
11 will notice that on page 115 there was also a list of
12 potential resource personnel identified and, in fact,
13 they came from various areas within the Ministry and
14 from outside areas of interest.

15 For example, under Mining and Exploration
16 there were MNDM geologists; under Lands there were
17 senior land technicians with Natural Resources, field
18 archaeologists with Ministry of Citizenship and
19 Culture, Tourism and Recreational consultant with MTR,
20 and so on, and Fish and Wildlife similar, regional
21 specialists, timber -- there were local timber
22 operators, regional specialists and so on.

23 And I guess what this points out is that
24 not only did we have a multi-disciplinary planning team
25 but they had access to a number of potential resource

1 personnel for very specific areas of the plan where
2 outside expertise may have been required.

3 It's also important to recognize that
4 during this, the preparation of this plan, as Mr.
5 Kennedy has pointed out there is a great -- was a great
6 deal of interaction between the planning team members
7 and, in a number of cases, the planning team members in
8 pursuing their duties and providing information and so
9 on dealt with people on this list of potential resource
10 personnel and outside individuals as well.

11 MR. FREIDIN: Q. Now, Mr. Kennedy, is a
12 schedule for plan production review and approval
13 prepared?

14 MR. KENNEDY: A. Yes, a schedule is
15 prepared and I would like to refer people to a page in
16 the Class EA Document, page 155 of Exhibit 4 and before
17 everyone jumps to do that, I would like to indicate
18 that it is one of the items that we handed out this
19 morning as a revised page.

20 So if you are looking for your revised
21 page, you want to look in Exhibit 819 and look for the
22 revised page 155 of Exhibit 4.

23 MR. FREIDIN: Do you all have that?

24 THE CHAIRMAN: Yes.

25 MR. FREIDIN: Q. Okay, Mr. Kennedy.

1 MR. KENNEDY: A. I believe this is the
2 first time this figure has been spoken to in any
3 detail. So what I would like to do is to provide an
4 overview of it first before we speak to any of the
5 particulars on this page.

6 If you start on the far left-hand side
7 you will notice that there is a box that has labeled
8 Public Consultation Phase. I am not going to go into
9 any detail on that because in just a moment Mr.
10 Bisschop is going to be discussing the public
11 consultation phase.

12 The schedule that I would like to refer
13 to is the column that is in the centre of the table --
14 centre of the figure and on the right-hand side are
15 some explanatory notes. About halfway down the page
16 there is a line that runs across and that line
17 signifies the time in which the preparation of the plan
18 occurs and is submitted for review.

19 So as I indicated in the opening remarks
20 this afternoon that for our discussion relative to
21 Document 2 is down to that line, we will be discussing
22 the preparation of the plan up until the time of
23 submission for review and approval. The schedule that
24 you see here is one that is laid out that is giving
25 approximate number of days that are necessary to allow

1 in order to have a plan prepared and be approved on
2 time for operations to proceed.

3 Although some individuals are starting
4 their plans much earlier now and allowing as much as 18
5 months, a year and a half in which to start preparation
6 of a plan prior to needing it to go into approval, it
7 takes about six to nine months to produce the plan.
8 And you will see in this schedule the various
9 components of that information, various components of
10 that preparation, I mean.

11 The schedule itself then sets out target
12 dates for completion of various stages of the plan
13 production as well as the review and approval and does
14 take into account the desired date for when the plan
15 should come into effect.

16 So one of the purposes of having this
17 schedule then is to assist the planning team members in
18 knowing when they have to prepare their information and
19 have it available for the planning team discussions.

20 The schedule also serves a purpose of
21 monitoring progress towards the completion of the plan
22 and also provides a very ready indication of when
23 individuals generally should get involved.

24 So in this particular case, looking at
25 the public -- publics generally, it advises them when

1 they can be expected to get involved and the kind of
2 information they would expect to see, and Mr. Bisschop
3 will be discussing that in some detail in just a few
4 moments.

5 What I am referring to on this page is a
6 generic type schedule and in our statement of evidence,
7 Exhibit 813, if I could ask you to turn to page 241.
8 So that is Exhibit 813A, statement of evidence, Volume
9 I, and refer to page 241.

10 Pages 241 through to 251 are an example
11 of terms of reference and a schedule that was prepared
12 for the Wabigoon Management Unit. And I am just
13 indicating that there is another example of terms of
14 reference which you may want to review in light of our
15 earlier comments and at this point direct your
16 attention to page 249 which is an example of a schedule
17 that was prepared in conjunction with the preparation
18 of the Wabigoon Management Unit Timber Management Plan.

19 So page 249 is the schedule that was
20 prepared specifically for that unit and if you turn the
21 page to 250 you will find a more detailed explanation
22 of the events that will occur at various times
23 throughout the preparation of that plan as well as
24 through the review stage.

25 Mr. Chairman, I don't suggest that we

1 take any time going into the various dates in the
2 production of various parts of material using this, but
3 I do make note of it so the parties can refer to it if
4 they're interested in a relative breakdown of when
5 those items are occurring and the amount of time that's
6 set aside for each particular event.

7 THE CHAIRMAN: Is that a representative
8 amount of time, a little over a year for the
9 development of a plan?

10 MR. KENNEDY: Yes, it is.

11 MR. FREIDIN: Q. Now, just a couple of
12 questions about the document at page 155 of the
13 statement of evidence. There is reference on the
14 left-hand column to the public consultation phase.

15 I understand, Mr. Bisschop, that you will
16 be speaking to those both in Document -- Part 2 and
17 again later in Part No. 13; is that correct?

18 MR. BISSCHOP: A. That's correct.

19 Q. And we've heard reference to there
20 being formal opportunities for public consultation or
21 public involvement and informal. The four items that
22 are referred to there under public consultation phase,
23 which category do they fall into?

24 A. Those would be considered the formal
25 public consultation opportunities and would be

1 considered as minimum requirements. Informal
2 opportunities would speak to ongoing discussions that
3 would occur with interested and affected parties and
4 anyone who responds to any of the formal opportunities
5 in public consultation.

6 Q. I may be just a getting a little bit
7 ahead of ourselves - and I believe you will be speaking
8 about this - but we spoke about this schedule. Does
9 the public become aware of or are they advised of the
10 schedule in terms of when they have these formal
11 opportunities to get involved?

12 A. Yes. I will speak later to some of
13 the specifics of the very first public notice which is
14 the invitation to participate. That notice would
15 contain key dates for the three future opportunities in
16 the planning process.

17 Mr. Kennedy's reference to the Wabigoon
18 example highlights by date when those three
19 opportunities would occur. That kind of information
20 would be reflected in the first public notice.

21 Q. In Exhibit 823, Mr. Kennedy, the
22 fourth item, what you wanted to discuss was the start
23 of supplementary documentation. I believe you've
24 already given a brief description of supplementary
25 documentation. What are the comments that you would

1 like to -- the points you would like to make in
2 relation to that?

3 MR. KENNEDY: A. I would like to make
4 several, but I'd also like to make a closing comment in
5 relation to the page 155 revised, just to indicate that
6 the second half of that figure which deals with plan
7 review and approval will be the subject matter of
8 Document No. 3 that will be dealt with by Mr. Fleet and
9 Mr. Bisschop, so as not to leave the impression that we
10 would not be discussing that information.

11 In relation to supplementary
12 documentation, what I would like to indicate is that
13 this is additional documentation that accompanies the
14 plan, it has its source from files that are set up
15 early in the stages of preparing a plan, files are
16 begun to trace the development of the plan and would
17 include information such as the public notice, the
18 appointment of the planning team, the terms of
19 reference, and they would be used to record the
20 involvement of various participants, both the planning
21 team members as well as the advisors, and any
22 correspondence that is there from the members of the
23 public. The files are summarized and made available
24 along with the timber management plan at the time that
25 it's submitted.

1 I think those are the only comments I
2 would like to make on that.

3 Q. Can you advise: We are going to hear
4 a lot about documentation which is generated during the
5 area of concern planning process and through some of
6 the road planning exercises. Do the files that you
7 refer to include the documentation generated through
8 those exercises?

9 A. Yes, it does. It requires a certain
10 amount of that information to be included in the
11 summary form, the summary of the kind of concerns that
12 are raised and the final prescriptions that are
13 developed in response to those concerns and that
14 information is carried forward in the supplementary
15 documentation. Back in the files that were set up in
16 the early stages of the planning process there would be
17 further details as to the specifics of each of those
18 situations that are encountered.

19 Q. Mr. Bisschop, I would ask that you
20 address the subject matter of public consultation,
21 which is part of the subject matter of Part 2 of
22 Document 2?

23 MR. BISSCHOP: A. Yes, since this is the
24 first introduction to the discussion of public
25 consultation in the process, I would like to, first of

1 all, draw your attention to the portion of the Class EA
2 Document that I will be referring to. I will give
3 initially a general overview of public consultation in
4 the preparation of a plan dealing with some of the
5 dimensions of timing, responsibilities, et cetera, and
6 then I will follow with a detailed discussion of the
7 very first public notice.

8 So the pages of the EA that I would draw
9 your attention to are pages 153 through 156, and in
10 particular initially I draw your attention to the
11 Figure 2.1-2 on page 155.

12 Again, Mr. Kennedy has briefly pointed
13 out that there are four public consultation
14 opportunities, four formal opportunities; two that
15 occur in the preparation of a plan and two that occur
16 in the review stage of a plan.

17 If I could just draw your attention to
18 the centre column entitled: Schedule, the key point I
19 would like to make here is the specific timing
20 requirements in terms of public notices and the timing
21 requirements of response periods to those public
22 notices.

23 For example, in the correction that we
24 spoke to this morning, dealt with the requirement to
25 issue public notices for information centres 30 days in

1 advance of the date of the centre. If you follow that
2 column through you will see that we provide 30 days for
3 a response period for people to offer comments that
4 arise from that information centre. Generally the
5 public notice requirements provide 30 days' advance
6 notice and 30 days' response periods.

7 We have also indicated that these formal
8 opportunities are essentially the minimum requirements.
9 Additional opportunities may be provided; for example,
10 speaking to the subject of information centres, we have
11 had requests for additional information centres to be
12 held in certain localities, we've had instances where
13 there have been information centres held, for example,
14 on Indian reserves which, in response to requests, we
15 may have additional opportunities for public
16 consultation.

17 As well, there is a continuing ongoing
18 informal side to public consultation where we deal with
19 known interested and affected parties that we know
20 already through the experience that we have operating
21 in our districts, and with anyone who identifies
22 himself as an interested affected party arising from
23 any of those four formal opportunities.

24 Speaking to some of the responsibilities,
25 it's -- a key point I would like to make is that public

1 consultation is coordinated through the Ministry of
2 Natural Resources. It's dealt with by our Ministry at
3 the district level, the district is responsible for
4 issuing all of the public notices regardless of which
5 type of management unit we are dealing with; so in
6 other words, the public notices for plans produced by
7 the forest companies for FMA forests are issued by the
8 district manager of the Ministry of Natural Resources,
9 and we also provide the facilities for any review of
10 plans and also the information centre. We are
11 responsible for providing the locality for review
12 opportunities to happen.

13 Companies are involved in public
14 consultation with MNR for public -- for plans prepared
15 by the companies; in other words, at an information
16 centre for a company-prepared plan there would be
17 company personnel attending those information centres
18 to assist in explaining what's happening in the
19 development of the plan at those information centres.

20 Earlier today we submitted as an exhibit
21 the pamphlet entitled: Timber Management Planning,
22 Getting Involved Can Make a Difference, it's Exhibit
23 815. That is a pamphlet that was produced some two
24 years ago, I believe that is readily available in most
25 of our offices, particularly our district offices

1 throughout the area of the undertaking, and it is an
2 attempt to make the process of getting involved in
3 timber management plans understandable to the lay
4 public. I simply draw your attention to it, the pages
5 5, 6 and 7 - 5 and 6 in particular, speak to the four
6 formal opportunities in public consultation.

7 In order to make the entire planning
8 process more understandable to the public as well, in
9 our draft terms and conditions - and I refer to term
10 and condition No. 31 of Exhibit 700 - we have made a
11 commitment to producing a similar kind of publication
12 for the timber management planning process itself. The
13 Exhibit 815 is directed primarily towards opportunities
14 for public involvement in preparation of plans.

15 Through term and condition 31 we are
16 making a commitment to producing a similar publication
17 that will provide in a layman explanation some
18 description of the details of the timber management
19 planning process, and probably what will happen it will
20 become one publication that incorporates the public
21 consultation component of Exhibit 815.

22 If I could read into the record that term
23 and condition, it is a fairly short condition, it is
24 again No. 31 of Exhibit 700 --

25 MR. FREIDIN: And it is understood, Mr.

1 Chairman, of course these are all draft terms and
2 conditions.

3 MR. BISSCHOP: The draft term and
4 condition reads:

5 "MNR shall prepare a brochure for general
6 public distribution which will outline
7 the approved timber management planning
8 process in simplified form and provide a
9 glossary of terms which are commonly
10 used. The brochure will also outline how
11 and when the public may become involved
12 in the timber management planning
13 process, and will provide an explanation
14 of 'bump-up' provisions. The brochure
15 will be available in English, French and
16 native languages."

17 As a comment on that brochure, we have
18 continually faced the problem in trying to explain the
19 planning process of: How are you going to make
20 something so complex simplified.

21 I think we could perhaps take some heart
22 in the material that was produced over the last few
23 days in terms of evidence here which Mr. Kennedy
24 attempted to sum up in his simplified explanation of a
25 timber management plan and make use of that kind of

1 information in the development of this brochure; for
2 example, the exhibit where he spoke to a timber
3 management plan is essentially composed of four parts,
4 a look back, an updating of information, a look ahead,
5 and an outline of the activities that will be carried
6 out in the next five years. That gives a general
7 overview of public consultation in the entire process.

8 In the next part of my explanation I
9 would like to deal with the first public notice and for
10 that I will provide some of the details of what that
11 public notice involves, what are some of the public
12 notification requirements.

13 At the end of the discussion of Document
14 2 which, as you will recall Mr. Kennedy spoke to as
15 being comprised of 13 parts - Mr. Kennedy or Mr.
16 Freidin, I can't recall who said that - Part No. 13
17 will speak to the second opportunity which is the
18 information centre.

19 So at the end of our discussion on the
20 planning process, I will provide a discussion on the
21 second opportunity, the information centre at which we
22 review developments in the preparation of the plan in a
23 public forum and an information centre before we
24 actually produce the draft timber management plan.

25 MR. FREIDIN: All right. The next

1 exhibit, Mr. Chairman, will be a hard copy of an
2 overhead entitled: Public Notice No. 1, Invitation to
3 Participate.

4 THE CHAIRMAN: This will be 824.

5 MR. FREIDIN: (handed)

6 THE CHAIRMAN: Thank you.

7 ---EXHIBIT NO. 824: Hard copy of slide entitled:
8 Public Notice No. 1, Invitation
To Participate.

9 MR. BISSCHOP: In terms of explaining the
10 details of each of the opportunities for public
11 consultation, what I will do in the first explanation
12 is deal with some of the aspects of public notice that
13 are common to all public notices, so that when I refer
14 later to Public Notice 2, 3 and 4 I won't have to
15 repeat some of the specific requirements.

16 But on this overhead - and I will deal in
17 detail with each component of the story that I
18 presented on this overhead - I will speak to Public
19 Notice No. 1, and the key message that we want to
20 deliver through Public Notice No. 1 and through our
21 explanation here before the Board is: Get involved
22 early.

23 In order to have an effective opportunity
24 to be involved in the plan, our position is that early
25 involvement is necessary and we issue an initial public

1 notice, Public Notice No. 1, immediately after the
2 planning team has been formed, the terms of reference
3 have been developed and a schedule has been produced.

4 So as soon as the planning team terms and
5 reference and schedule have been developed it's
6 automatic that the first act that that team performs
7 through the district manager is to issue a public
8 notice inviting participation in the development of a
9 plan. That notice is aimed at seeking involvement in
10 the preparation of the plan from interested and
11 affected people or parties, again, with the key message
12 to get involved early.

13 In terms of: To whom is the notice
14 issued, I would like to speak to that dealing from the
15 very general down to the very specific and, as part of
16 that discussion, I would refer specifically to 3 -- I'm
17 sorry, two draft terms and conditions.

18 First of all, there is always a general
19 public notice that's issued through the local media.
20 By local media I refer primarily to local newspapers,
21 many of which are weekly, some of which are daily, and
22 we may be issuing notices -- we may also issue notices
23 in regional newspapers, for example, the Thunder Bay
24 newspaper for management units in the vicinity -- in
25 proximity to the City of Thunder Bay. That local media

1 notice may also be in the form of radio spots advising
2 people of when to be involved at various stages of
3 public consultation, in this case to get involved in
4 the first stages of preparing a plan.

5 Draft term and condition No. 4 is a short
6 term and condition and I will read it into the record.
7 It simply states:

8 "Public notice requirements for each
9 notification shall also include general
10 public notices in the form of
11 advertisements in the local media."

12 Becoming more specific, we also issue
13 direct notices to a variety of parties. First of all,
14 direct notices to government ministries and agencies
15 that would be involved in timber management planning.
16 On page 206 of Exhibit 813A, Volume I, we refer to --

17 Q. What page was that?

18 A. Page 206. We refer to Reference 5
19 which is a bulletin issued by what at the time was a
20 Planning Environmental Assessment Branch in the
21 Ministry of Natural Resources. In fact this is a
22 bulletin which I have authored that speaks to
23 requirements for direct public notice to certain
24 government agencies. This is a bulletin that was
25 produced in response to the Government Review on the

1 Class Environmental Assessment.

2 You need not concern yourself
3 specifically with page 206 because we have updated that
4 bulletin in, again, a draft term and condition No. 3
5 which adds to the list of government agencies that's
6 indicated on page 206.

7 Page 206 was prepared particularly in
8 response to comments from certain government ministries
9 and agencies at the time of the review of the Class
10 Environmental Assessment. So certain ministries which
11 indicated that they wanted notices made that known
12 through the Government Review and we produced a
13 bulletin in May of 1988 which provided direction to our
14 field offices to make sure that those notices were
15 issued.

16 Just as a point I will note that on that
17 bulletin, for example, some ministries are not even
18 identified, ministries that obviously would be involved
19 such as the Ministry of Tourism and Recreation, which
20 we have included now in the draft term and condition
21 No. 3 which again I will read into the public record --
22 read into the record before the Board. It says:

23 "Public notice requirements for each
24 notification shall include direct written
25 notice to:

1 (a) local and regional offices of
2 relevant government ministries and
3 agencies (e.g. Ministry of Tourism and
4 Recreation, Ministry of Culture and
5 Communications, Ministry of Northern
6 Development and Mines), and in particular
7 to..."

8 And this reflects, Mr. Chairman, the
9 bulletin that was issued in response to the government
10 review:

11 "(i) local school boards,
12 (ii) local medical officers of health,
13 (iii) each municipality and planning
14 board,
15 (iv) Regional Manager of Engineering and
16 Right-of-Way, Regional Office, Ministry
17 of Transportation,
18 (v) Director, Design and Development
19 Division-Transmission, Main Office,
20 Ontario Hydro, and
21 (vi) Regional Office, Ministry of the
22 Environment;
23 (b) known interest groups, Band Councils
24 of each Indian reserve in the forest
25 management unit, and native communities

1 and organizations..."

2 And as an aside I will speak to this in
3 detail shortly, and:

4 "(c) individual members of the public
5 with a known interest in timber
6 management planning for the management
7 unit.

8 Direct verbal communication of the
9 required information, with whatever
10 modifications are necessary, may serve as
11 an additional form of notification, where
12 appropriate."

13 And again I will speak to this later.

14 "On request, notices to Band Councils and
15 native communities and organizations will
16 be provided in the appropriate native
17 languages."

18 Again, I will speak to this shortly.

19 MR. MARTEL: Can I raise a question here.

20 I don't know if you have left out or they are covered
21 somewhere, but what about local services boards and
22 local roads boards in northern Ontario?

23 MR. BISSCHOP: I would see that either
24 covered through (iii), each municipality and planning
25 board or through perhaps additions on the district

1 mailing list.

2 MR. MARTEL: Would it not be wise to
3 include those since there are a number of local roads
4 boards in areas in northern Ontario that might not be
5 picked up by this, but have councils or have treasurers
6 and so on that meet regularly, and the same with the
7 local services boards created by the Ministry of
8 Northern Affairs in 1977 I guess, and neither one are
9 in there.

10 I just wonder if it was possible to
11 include them?

12 MR. BISSCHOP: I think logically they can
13 be included under the broad category that item 3(a)
14 attempts to address.

15 MR. KENNEDY: Certainly it's common
16 practice, Mr. Martel, to include those people on the
17 district mailing list. I know the plans that I was
18 involved with in the Dryden District, the local roads
19 board was on the mailing list and they were active in a
20 number of road situations, particularly those dealing
21 with maintenance.

22 MR. MARTEL: That's the reason I raised
23 it, Mr. Kennedy, because of local roads boards that I
24 knew that were involved in -- had both things working
25 in their areas in timber management and operating a

1 local roads board.

2 MR. FREIDIN: Mr. Chairman and Mr. Martel
3 I think, you know, we appreciate the comments from the
4 Board, the type that you are indicating.

5 I think, you know, those sorts of
6 comments will be considered by the Ministry and the
7 whole process of draft terms and conditions is
8 iterative and you may see another addition of our draft
9 and may incorporate some of the suggestions and
10 concerns you are addressing, the concerns raised in
11 cross-examination or from the Board.

12 So it's not necessarily that you have
13 heard the definitive position of the Ministry on any of
14 the sorts of issues that you raise in the fashion that
15 you've just done.

16 One point before we move on here. Mr.
17 Tenaglia made reference to this term and condition No.
18 3 this morning and characterized the reference of the
19 Ministry of Culture and Communications as perhaps an
20 error, a typographical error.

21 Well, I can just advise that the term and
22 condition is correct, that what was the Ministry of
23 Citizenship and Culture is now the Ministry of Culture
24 and Communications I guess with some -- few different
25 responsibilities though. Just to correct the record in

1 that regard.

2 MR. BISSCHOP: I led into the discussion
3 of term and condition No. 3 by trying to address the
4 subject of government ministries and agencies and when
5 I read the term and condition into the record I made
6 mention of interest groups, known interested individual
7 and parties and natives, either Band councils or native
8 organizations.

9 I simply want to indicate that those
10 people also receive direct notice. All of those
11 government ministries, interest groups, known
12 interested and individuals and native groups or Band
13 councils would all be represented on the district
14 mailing list. So we would have a complete list of
15 those agencies and organizations that would
16 automatically get a direct written notice at the time
17 of Public Notice No. 1.

18 Again to remind you of the commitment
19 that's made in the term and condition to, first of all,
20 provide a verbal notice if required. That normally
21 would be intended to apply to verbal notice to native
22 Band councils or organizations, native Indian reserve
23 members, and we've also made the commitment to - upon
24 request - translate our notices for purposes of native
25 interests. That's reflected in term and condition No.

1 3.

2 MR. FREIDIN: Q. Now, Mr. Kennedy, term
3 and condition No. 3 (c) talks about giving direct
4 notice to individual members of the public with a known
5 interest. How does a ministry out in the field in the
6 district identify or determine who has and who has not
7 a known interest? What does that really mean?

8 MR. KENNEDY: A. Really it is the known
9 part that I would concentrate on, and that is through
10 our day-to-day relationship that we have with
11 stakeholder groups in the area and individuals we have
12 developed a mailing list.

13 We use a variety of information to
14 prepare our first mailing list. I'm speaking now of
15 the experience that I had in Dryden. We were able to
16 draw on information that we had on file and a variety
17 of licensing situations including timber, some fishing
18 licence information, some trapper information from
19 commercial fisheries, a whole host of information that
20 we have from direct dealings with resource individuals.

21 Other names we added to our mailing list
22 were from known individuals that had an interest in
23 what we are doing at the local level, particularly
24 groups such as Ontario Federation of Anglers & Hunters,
25 local chapters, we would include the local president on

1 the mailing list; we had representatives from
2 individuals that were known to be interested in the
3 field of naturalists and a variety of others that
4 simply come forward. Through a result of being in the
5 district and working with individuals on a day-to-day
6 basis, we are able to put together a mailing list.

7 Q. And, Mr. Multamaki, I think we are
8 perhaps going to be looking at a mailing list from your
9 plan somewhat later in the evidence?

10 MR. MULTAMAKI: A. Yes, that's correct.
11 We will be examining it.

12 Q. Mr. Groves and Mr. Fleet and Mr.
13 Davison, can you advise whether your experience in the
14 district is similar to that of Mr. Kennedy with respect
15 to people with known interests?

16 Mr. Groves?

17 MR. GROVES: A. Yes, very similar.

18 Q. Mr. Fleet?

19 MR. FLEET: A. Yes, very similar.

20 Q. Mr. Davison?

21 MR. DAVISON: A. Yes, very similar.

22 MR. FREIDIN: Mr. Chairman, do you want
23 to take an afternoon break?

24 THE CHAIRMAN: Yes. Good time?

25 MR. FREIDIN: I don't know, 20 times,

1 usual.

2 THE CHAIRMAN: Okay. Do you want to take
3 it now though?

4 MR. FREIDIN: Oh yes, this is a good
5 time. Yes, that is why I asked.

6 THE CHAIRMAN: I know we are all going to
7 have a good time on the break, but we will break for 20
8 minutes.

9 Thank you.

10 ---On recessing at 3:45 p.m.

11 ---On resuming at 4:15 p.m.

12 THE CHAIRMAN: Thank you.

13 MR. FREIDIN: Q. Mr. Bisschop, you dealt
14 with the when and the to whom aspects of Public Notice
15 No. 1. Can you advise the Board what the content
16 requirements are for Public Notice No. 1?

17 MR. BISSCHOP: A. Yes. Again, to draw
18 your attention to the Class EA, the content
19 requirements are outlined on page 157. I will touch on
20 them briefly.

21 In the public notice, the following items
22 would have to be included: a map of the management
23 unit from which the plan will be prepared, a
24 schedule -- or I should say a summary of the schedule,
25 essentially what we want to do is identify the future

1 key dates at which the subsequent public consultation
2 opportunities will happen, and as a note on that
3 additional notices will be -- will of course be issued
4 for each one of those opportunities at the time when
5 those opportunities will be available.

6 Q. So that reference on page 157 to a
7 summary of the schedule of the planning process would
8 include the summary of the four key dates for formal
9 public input or review?

10 A. It would speak to the next three.

11 Q. Thank you.

12 A. Seeing as how the notice dealt with
13 the first one.

14 The third item that would be included in
15 the notice is an outline of the subject matter that is
16 going to be covered by the plan, basically the
17 operations that that plan will address.

18 I should note that I will speak shortly
19 to a draft term and condition related to this subject
20 and in that draft term and condition there is the note
21 that:

22 "Upon approval of the Class EA, a
23 fourth item will be listed in the
24 contents..."

25 That is a reference to the provisions for

1 bump-up that will be included in every public notice,
2 it would appear in this contents section of the public
3 notice and in fact would appear in every one of the
4 four notices.

5 Turning now to what I call the purpose of
6 the notice which is outlined continuing on page 157, we
7 are inviting participation and, in effect, encouraging
8 interested parties to come forward and to provide
9 background information that they may have to contribute
10 to the preparation of the plan, to identify geographic
11 areas in which they have a particular interest, and to
12 state issues or concerns that they would like to ensure
13 are addressed in the preparation of the plan.

14 As an example of a public notice, because
15 we feel we should provide to the Board at least an
16 example of a public notice - and we will do it for the
17 first one - I have copies of actually each of the
18 first -- each notice of an invitation to participate
19 for the Red Lake Plan.

20 As you recall there was an initial plan,
21 then there was a fire, and then there was a second
22 plan. For each of those two attempts there was a
23 public notice that was issued and we would like to
24 submit that as an exhibit.

25 MR. FREIDIN: Now, Mr. Chairman we have

1 actually two notices --

2 MR. BISSCHOP: Two notices, yes.

3 MR. FREIDIN: All right. One notice --
4 perhaps we can mark it the same exhibit. One notice --
5 I will let the witness explain what the notices are
6 once they are filed as an exhibit.

7 (handed)

8 In brief one relates to the notice before
9 the fire and one is the notice after the fire.

10 THE CHAIRMAN: All right. We will give
11 them Exhibit No. 825A and B. The one before the fire
12 will be A, the one after the fire will be B.

13 ---EXHIBIT NO. 825A: Public Consultation Notice re:
14 Pre-Fire Red Lake Crown
15 Management Unit Timber Management
Plan dated February 8.

16 ---EXHIBIT NO. 825B: Public Consultation Notice re:
17 Post-Fire Red Lake Crown
Management Unit Timber Management
Plan dated November 12.

18 MR. BISSCHOP: The key to knowing which
19 is which is basically go to the bottom of the
20 right-hand corner and look for the date. February the
21 8th would be the first and November the 12th would be
22 the second.

23 MR. FREIDIN: Q. Okay.

24 MR. BISSCHOP: A. Having just spoken to
25 the subject of contents and purpose of the notice,

1 there are a couple of things I would like to draw to
2 the attention of the Board about these notices.

3 First of all, the first notice was issued
4 in February of 1986. The public consultation
5 requirements of the new planning process, the proposed
6 planning process were first provided to our field staff
7 with the publication of the December, 1985 Class EA and
8 Timber Management Planning Manual. So this notice, in
9 effect, came out almost weeks after the issue of those
10 documents.

11 You will note that the notice does not
12 include the content requirement that I spoke to about a
13 schedule for the other key dates in the preparation of
14 the plan, neither of them do, and they also do not
15 specifically speak to the subject matters that we are
16 drawing peoples' attention to in terms of contributions
17 that they could make to the planning process, rather
18 there is a general statement that the public is
19 encouraged to participate by directing inquiries,
20 comments, et cetera to the Ministry.

21 The point I want to make is that these
22 are earlier notices. Using the new system, any public
23 notices that are issued now for plans that are prepared
24 in the first public notice would include the contents
25 that I spoke to, of course with the exception of that

1 content requirement on bump-up which I have indicated
2 will be a feature.

3 Q. And would it be fair to say, Mr.
4 Bisschop, that if there are shortfalls even with
5 notices which are published or sent out today, that the
6 intention is that by the time this particular term and
7 condition - if it's imposed - comes down, that the
8 Ministry would be able to in fact almost ensure
9 delivery on that particular commitment?

10 A. Yes. We are confident we can deliver
11 on the public notice requirements now and we certainly
12 would in the future.

13 Returning to Figure 2.1-2 and also my
14 final point about the general messages I wanted to
15 deliver on the Public Notice No. 1 is the subject of
16 responses.

17 The point I would like to make is that we
18 issue the notice and we employ the 30-day period in
19 which we encourage people to make responses. That
20 doesn't mean that submissions wouldn't be made
21 following that, but the intent is to get information as
22 quickly as we can from people to make it useful in the
23 preparation of the plan. So there's a 30-day response
24 period for that notice.

25 The notice, the mailing list and all

1 responses we receive from that first public notice
2 would all go into the set of files that Mr. Kennedy
3 spoke about earlier that would form ultimately the
4 basis for the preparation of a summary of public
5 consultation in the preparation of a plan that we would
6 include in supplementary documentation.

7 Common practice in the Ministry is to
8 respond to submissions from interested parties. Upon
9 receipt of their submissions we would formally respond
10 to them.

11 I forgot to make reference to term and
12 condition 2(a), draft term and condition 2(a).

13 Q. Mr. Bisschop --

14 MR. FREIDIN: Perhaps, Mr. Chairman, if I
15 could suggest that rather than when we have a long term
16 and condition, perhaps a proposal that I would make is
17 that, leave it to the witness' discretion, but where
18 it's long, have the witnesses identify what to
19 reproduce into the record and perhaps just have the
20 witness highlight the term and condition.

21 THE CHAIRMAN: All right. The purpose,
22 Reporter, is to have the complete condition reproduced
23 in the transcript so that people using them at the
24 depositories will not have to refer to a separate
25 document.

1 MR. FREIDIN: And this one -- I think
2 this is one of the ones that falls into that longer
3 category.

4 So, Madame Reporter, perhaps you could
5 reproduce term and condition 2 sub-paragraph (a)
6 sub-paragraphs (i) to (v).

7 Public Consultation

8 2. Public notice shall be given with respect to each
9 of the following stages of the timber management
planning process for each timber management plan:

- 10 (a) An Invitation to Participate shall be provided
11 at the outset of the timber management
planning exercise.

12 This notice shall contain the following
13 information:

- 14 (i) a map of the forest management unit for
15 which the timber management plan will be
prepared;
- 16 (ii) a summary of the schedule of the planning
process;
- 17 (iii) an outline of the subject matter to be
18 covered by the plan (normally the
19 harvest, renewal and maintenance
operations, consideration of concerns of
20 other users/uses of the forest, and the
locations of roads);
- 21 (iv) a statement that there is a period of 30
22 days for interested persons to provide
23 additional background information on the
24 management unit, to identify areas which
25 contain resource features, land uses or
values that might be affected by timber
management activities, or to state issues
or concerns which need to be addressed
during the planning process; and

1 (v) a statement that there is an opportunity
2 to request a "bump-up" of the timber
3 management plan or a component part of
the timber management plan to individual
environmental assessment status.

4 MR. FREIDIN: Q. And, Mr. Bisschop,
5 perhaps by way of summary, you could just deal with
6 that portion of draft term and condition 2?

7 MR. BISSCHOP: A. That draft term and
8 condition refers in particular to the content
9 requirements of the notice and what I referred to as
10 the purpose of the notice.

11 Item 2(a)(i) speaks to the content
12 requirement of a map; the second requirement is for the
13 schedule -- the summary of the schedule; the third is
14 the outline of the subject matter to be covered by the
15 plan; the fourth speaks to this question of what's the
16 purpose of the notice and it's to solicit information
17 and expression of issues and concerns; and the fifth
18 content requirement, which is a future requirement upon
19 approval of the Class EA would deal with the subject of
20 bump-up.

21 MR. FREIDIN: Mr. Chairman, I believe
22 that's the evidence in relation to Part 2. If we could
23 move on to Part No. 3 of Document No. 2, it starts at
24 page 142 of Exhibit 813A and deals with the assembly
25 and analysis of background information.

1 Q. Mr. Kennedy, I understand that you
2 have an overhead that outlines the main messages that
3 you would like to -- you and the other witnesses would
4 like to deliver in relation to this part of Document 2.

5 MR. KENNEDY: A. Yes, we do.

6 MR. FREIDIN: I have an overhead, I have
7 a hard copy of that as well.

8 (handed)

9 THE CHAIRMAN: Exhibit 826.

10 ---EXHIBIT NO. 826: Hard copy of overhead to be used
11 by witnesses re: Part 3 of
Panel No. 15.

12 MR. FREIDIN: Mr. Chairman, it's my hope
13 that we are going to be able to file these overheads in
14 advance of the witnesses' evidence so we don't have to
15 take the time to do this one at a time, but we just
16 weren't able to get the paper production done quickly
17 enough.

18 THE CHAIRMAN: Very well.

19 MR. FREIDIN: So we haven't abandoned our
20 usual practice.

21 Q. Okay, Mr. Kennedy.

22 MR. KENNEDY: A. Okay. The information
23 that we will be presenting in this portion of the panel
24 will be presented by Mr. Multamaki, Mr. McNicol and
25 myself and we will be discussing the information that

1 is collected for making planning decisions and we will
2 be indicating that the collection of that information
3 is an ongoing event.

4 This, again, is an example of where we
5 have separated out a particular subject matter or
6 topic, the assembly analysis of background information,
7 as if it's a separate event occurring in a linear
8 fashion within the process and, that is not the case;
9 the case is more that it's an ongoing event - and we
10 will be describing that in just a moment - and that the
11 information is shared by the planning team and is
12 brought forward by one of the planning team members, by
13 and large, and also that the public are involved in
14 collecting and share in that information gathering.

15 Further to that I should advise that much
16 of the evidence that was given during Panel 7 by panel
17 members was in many ways a prelude to this particular
18 aspect to Document 2 where the evidence that was -- the
19 evidence that was led during Panel 7 dealt with the
20 environment affected at the forest management unit
21 level relative to resource management planning, and
22 there's a fair amount of information that was presented
23 there that we will be capsulizing in a summary form and
24 not going into a lot of detail of the variety of
25 surveys and inventories that are used to collect

1 information.

2 We have at the outset of the planning,
3 once the planning team has been appointed and the
4 members' duties and roles and responsibilities have
5 been set down on paper, they go about collecting
6 information that the other planning team members will
7 need during the process and essentially prepare a
8 database from which to draw information from.

9 Much of that information is contained in
10 the district offices and the planning team members sort
11 through it to pull out of the files the information
12 that is relative to the management unit for which the
13 timber management plan is being prepared.

14 I was indicating that the collection of
15 the information is ongoing in that we are constantly
16 recording new information as it comes to our attention,
17 and that it is not true that we collect information
18 specifically at the outset of the plan for the purposes
19 of timber management planning - although that does
20 occur, there is some that is collected specifically -
21 the majority of the information that we have is an
22 updating process, adding new information to an already
23 existing database, updating it and ensuring that it's
24 made available to the planning team members at the
25 appropriate time.

1 To do that there are really what I
2 characterize as two types of information gathering,
3 formalized which includes inventories and surveys, and
4 then not formalized.

5 The formalized types of information
6 gathering would include such things as the forest
7 resources inventory that was described in detail by Dr.
8 Osborn in Panel 3. Other examples would be use of
9 moose survey information and free to grow surveys.
10 Again, both of those two are information that was
11 described in Panel 7 and those events that are ongoing
12 throughout the -- throughout each season actually in
13 preparing information for resource management.

14 Informally received information that we
15 use in updating our files is received from a variety of
16 sources, the public is involved here to a large extent,
17 and includes such information as records of road kills
18 of wildlife, moose kills or harvest statistics, as well
19 as information that we receive through other government
20 ministries.

21 The one that I think is perhaps a good
22 example is information that is provided to us through
23 the Ministry of Tourism and Recreation relative to
24 tourism establishments. They are able to bring to us
25 information that provides a profile of each individual

1 tourist outfitter's establishments and include
2 information that would allow us to have a better
3 understanding of the kind of operation that that
4 individual is conducting.

5 And they are also a very -- one of the
6 best sources of information as to who the current
7 owners are of the establishments which allow us to keep
8 our mailing list up to date, and that is something we
9 find is very important.

10 And this is -- informally gathered
11 information is also a phrase that we are using to
12 describe the day-to-day contacts that we have with our
13 publics, and by the day-to-day contacts, we are
14 speaking not only of those over the counter in the
15 office kind of contacts that we have as individuals are
16 coming in going about their business which could range
17 from purchasing fishing licences through to looking at
18 cottage lot inquiries, but it also includes the kind of
19 information that we collect during our day-to-day
20 involvement with individuals in the field.

21 We have a large number of staff out
22 there, many of those staff members spend the majority
23 of their time in the field and we are able to record
24 information that our conservation officers collect, as
25 well as information that our timber technicians and

1 fish and wildlife technicians recover from speaking
2 with individuals on a day-to-day basis.

3 An example of that kind of information
4 would be some of the information that we gain on heron
5 nesting and eagle sightings, that information is most
6 often brought forward.

7 The information that we collect is not
8 kept in one particular spot and held in secrecy, it's
9 shared amongst the planning team members and the
10 majority of the information is open to the public.
11 There is some information that we do not make available
12 and that is that that deals with their particular
13 business opportunities.

14 But we do share that information and it's
15 common to have individuals keeping a joint set of files
16 relative to some of the resource information,
17 particularly the mapped information where the maps are
18 kept in a central location and individuals constantly
19 update those.

20 And then the information is certainly
21 available to the public. As I indicate, we have got a
22 lot of day-to-day contacts that bring that information
23 in and then the publics are often in asking us to
24 provide them with some of the updated information.

25 One of the requests that I was frequently

1 getting in Dryden was for an update as to the location
2 of existing roads, individuals looking at adding to
3 their own maps of where the recent access had been
4 created for purposes of recreation, primarily hunting
5 in the fall and fishing opportunities.

6 Q. Mr. Kennedy, there has been reference
7 to the two opportunities for public involvement or
8 public consultation in the planning stage and you have
9 also indicated that this assembly of background
10 information occurs throughout the process, but sort of
11 thinking about the very first opportunity in the formal
12 process for the public to come forward and provide
13 information, are the public seen as an important source
14 of information at the very earliest stages of the
15 planning process?

16 A. Yes, they are seen as an important
17 source of information and, as a result, we have
18 incorporated this invitation to participate as one of
19 the first events -- or, yes, one of the first events
20 that the planning team does.

21 However, it's not at that time that we
22 get a lot of response from individuals primarily
23 because there is nothing for them to react to of a
24 specific nature. But the public is encouraged right
25 from the outset and one of the most important things of

1 that invitation to participate is the schedule that we
2 were speaking of earlier which advises the public of
3 when to come forward to react to proposals or to
4 participate in their development.

5 But from my experience I have found that
6 the majority of the more specific comments that we get
7 from individuals occurs at the later stage which is at
8 the information -- after an information centre.

9 Q. And could you comment generally on
10 the type of information that is received from the
11 public at that time; is it new information, is it
12 information about things that you already know?

13 A. Well, we will be discussing in some
14 detail the kind of information that is presented at an
15 information centre and perhaps I could just say, in a
16 summary sense, is that it's at the information centre
17 where the public see in draft form the proposed
18 activities that are to occur over the next five years.

19 So at that time there are maps which are
20 recording the proposals for harvest, renewal and
21 maintenance and the information usually sparks some
22 concern from the members of the public and that concern
23 can be both positive and negative and quite often they
24 bring forward to us information that is new and we
25 include that into our database but, in many cases, the

1 information is simply a confirmation of things that we
2 already know.

3 I find that people generally like to come
4 forward and are quite proud in sharing with us their
5 information at the local area including such things as
6 the eagles' nests, as I mentioned earlier.

7 So I would say that the information is
8 both new information and a confirmation of what we have
9 existing in our databank.

10 Q. And, Mr. Fleet, could you sort of
11 comment on the type or the amount of information that
12 you have encountered as a result of the invitation to
13 participate at the first public notice?

14 MR. FLEET: A. Yes. Much of the
15 information that you do receive during the invitation
16 to participate would be, first of all, there is some
17 which would be described as general in nature: Don't
18 cut trees or do cut trees, don't close the roads or do
19 close the roads, that sort of thing.

20 Some of the information which you receive
21 at the invitation to participate stage would include
22 comments from the people -- from certain people, for
23 instance: If you are going near this lake, please keep
24 me on your mailing list or that sort of thing.

25 So it is sort of general in nature, some

1 of it is specific: I do know where this feature is or
2 that that requires protection.

3 Q. Okay.

4 MR. FREIDIN: Mr. Chairman, I know it
5 hasn't been very long since the break. Mr. Kennedy has
6 to prepare a large number of maps and other assorted
7 administrative matters to deal with this clearcut
8 meeting at six o'clock, he's got to get something to
9 eat before that, he's got to spend a long evening I
10 think preparing for tomorrow.

11 I would request that we adjourn. This
12 would be an appropriate time or a good point in terms
13 of the evidence here to adjourn for the evening.

14 THE CHAIRMAN: Okay. All right. We will
15 adjourn at this time, Mr. Freidin.

16 Tomorrow, since we are leaving early
17 again, I think we will try for an early start at 8:30.

18 MR. FREIDIN: Sure.

19 THE CHAIRMAN: And tomorrow we will
20 probably sit until perhaps one or 1:30 and then break
21 at that time for lunch and making preparations for
22 leaving.

23 MR. FREIDIN: All right. So we will
24 complete the evidence around one or 1:30 then?

25 THE CHAIRMAN: That's right. We will

1 have a couple of small breaks during the morning, but
2 we won't break for lunch.

3 MR. FREIDIN: Okay. Thank you.

4 THE CHAIRMAN: Thank you.

5 ---Whereupon the hearing adjourned at 4:45 p.m., to be
6 reconvened on Thursday, September 14th, 1989,
7 commencing at 8:30 a.m.

